



Posted: Friday, May 08, 2015

## NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on  
**WEDNESDAY, MAY 13, 2015 at 6:00 PM**

**Closed Session scheduled at 5:00pm**

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ADJOURN TO CLOSED SESSION**
  1. Discussion regarding Active Litigation in the case of Tsurai Ancestral Society vs. City of Trinidad; Pursuant to Government Code section 54956.9(b) and/or section 54956.95.
- IV. **RECONVENE TO OPEN SESSION**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES** – August 13, 2014 cc, December 10, 2014 cc, January 14, 2015 cc, February 02, 2015 scc, March 09, 2015 scc, March 11, 2015 cc, April 08, 2015 cc.
- VII. **COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**
- VIII. **CITY MANAGER & STAFF REPORTS**
- IX. **PROCLAMATIONS & ANNOUNCEMENTS**
- X. **ITEMS FROM THE FLOOR**

(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- XI. **CONSENT AGENDA**
  1. Financial Status Reports for March 2015.
  2. Contract Renewal with Streamline Planning Consultants for City Planning Services
  3. Contract Amendment with GHD for ASBS Stormwater Project for Construction Management Services.
  4. Resolution 2015-01; Authorizing the Trinidad Volunteer Fire Department to Participate in the Federal Excess Property Program
  5. May, June, & July City Council Meeting Schedule.
- IX. **DISCUSSION/ACTION AGENDA ITEMS**
  1. Resolution 2015-03; Acknowledging the Public Service of Planning Commissioner Gale Becker.
  2. Discussion/Decision Regarding Appointment of Planning Commissioner to fill the vacant position through December 2016
  3. Introduction/Discussion Regarding Draft Stormwater Ordinance.
  4. Discussion/Decision Regarding Resolution 2015-02; Declaring a Drought Emergency and Implementing Water Conservation Measures as Mandated by the State Water Resources Control Board.
  5. Discussion/Decision Regarding Purchase of Used Vehicle for Public Works.
  6. Update and Discussion Regarding Potential Amendments to the Vacation Dwelling Unit Ordinance 2014-01.
- X. **ADJOURNMENT**

**APPROVAL OF MINUTES FOR:**

**AUGUST 13, 2014 CC**  
**DECEMBER 10, 2014 CC**  
**JANUARY 14, 2015 CC**  
**FEBRUARY 02, 2015 SCC**  
**MARCH 09, 2015 SCC**  
**MARCH 11, 2015 CC**  
**APRIL 08, 2015 CC**

**Supporting Documentation follows with:** **28 PAGES**

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, AUGUST 13, 2014**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Davies.
- City Staff in attendance: City Manager Karen Suiker, City Clerk Gabriel Adams, City Planner Trever Parker, City Engineer Josh Wolf.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION – No closed session.**

**IV. RECONVENE TO OPEN SESSION**

**V. APPROVAL OF AGENDA**

- Move City Manager discussion item to No.1 on the agenda.  
*Motion (Miller/Davies) to approve the agenda as amended. **Passed unanimously.***

**VI. APPROVAL OF MINUTES – April 09, 2014 cc, May 14, 2014 cc, June 04, 2014 cc**  
*Motion (Miller/Baker to approve the minutes as written. **Passed unanimously.***

**VII. COMMISSIONERS REPORTS**

**Davies:** Nothing to report.

**Miller:** Nothing to report.

**West:** Attended a water conservation committee meeting and discussed potential conservation campaign.

**Fulkerson:** Announced resignation of RREDC Executive Director Don Enebuske. Interim Director has been appointed, and recruitment process will soon be underway.

**VIII: PROCLAMATIONS & ANNOUNCEMENTS – None**

**IX. ITEMS FROM THE FLOOR**

**Maggie Flemming – Humboldt County District Attorney**

Announced her election victory, and that she will be sworn in on January 05, and here to assist and help Trinidad however she can.

**X. CONSENT AGENDA**

1. Financial Status Reports for May & June 2014.
2. Staff Activities Report June & July 2014.
3. Law Enforcement Report June & July, 2014.
4. Resolution 2014-11: Retroactive Letter of Support on Illegal Marijuana Grows.
5. Supplemental Budget for cemetery Plot Plan.
6. Resolution 2014-10: Acknowledging the public service of residents Stan Binnie and Kim Tays
7. Letter of Support for AB 1839 – California Film and Television Job Retention and Promotion Act.
8. Resolution 2014-12: Requesting Participation in Pilot Program for Control of Squatting in Private Residences.

*Motion (Davies/Baker) to approve the consent agenda as written. **Passed unanimously.***

**XI. DISCUSSION AGENDA**

1. Discussion/Decision regarding Consideration of Fee Waiver for Removing and Replacement of Murphy's Market permitted marquee sign.

City Manager Suiker explained that there is considerable interest in working toward consistent application of the city's sign rules and regulations, and funds have been budgeted in fiscal year 2014-15 to work toward such compliance. The Building Inspector will be tasked with creating an inventory of signs, and staff will work toward bringing signs into compliance and/or removing those that are non-permitted. Some of the signs have been in existence for some time, and it is important that the city work cooperatively with its valued businesses toward the goal of permit consistency.

Although the marquee at Murphy's is beneficial in that it is used for community announcements, and the folks at Murphy's have been wonderfully cooperative about including information to announce community events on the

marquee, there are some who object to the sign's obstruction of the view of Trinidad Head at the entry to town. Although the marquee is a permitted sign, there are a number of other signs within Murphy's center that have been placed without benefit of a permit. With limited exceptions, most signs are only permitted subject to specific regulations and review and approval by the City's Planning Commission.

The Saunders family is proposing to remove the marquee and work with the tenants on existing signs (and new proposed signs) to bring the center into sign compliance. The family has already met with the tenants and is working on the design of a new and lower (non-view obstructing) wooden sign that would list the business names, and at the same time identifying "Saunders Plaza" on the new sign.

Because the marquee is a permitted sign, a partial fee waiver is recommended to be considered for city costs (primarily Planner costs) involved in permitting the new sign. Our normal process would be to collect a \$750 deposit up front, with actual costs accumulated and the difference either billed or refunded to the applicant. A cost share to remove and replace a permitted sign is suggested at 75% city/ 25% applicant. In exchange, the applicant would remove the marquee, and will work with the center's business owners to bring all center signs into compliance with the city's municipal code.

Public comment included:

**Gail Saunders** – Trinidad

The Saunders Business Center shouldn't be singled out with the signage enforcement. It should be equally implemented throughout town.

**Brad Twoomey** – Trinidad

Gail is on the right track by removing and lowering the sign. The current sign regulations are strict, and no signs should be grandfathered in. This proposal will be a GREAT visual improvement, and I hope the Planning Commission approves it.

**Mareva Russo** – Trinidad

Echoed Brad's comments. Added that the City sharing the cost is appropriate. Investments in visual improvements at the entrance of our city is something we all should support. Allowing nature to become the focal point is a great policy.

Councilmember comments included:

**Baker:** I hope that \$750 will cover the costs. **City Planner Trevor Parker** explained that the cost of the staff report and notifications will be minimal, but she couldn't guarantee the hearing wouldn't stir controversy.

**Fulkerson:** I'm hopeful that all businesses will bring their signs into compliance voluntarily.

**Miller:** Asked Manager Suiker how the city will be contacting the businesses about signage policy. **Suiker** explained that the main focus will be to start by developing an inventory current signs. Then, those that do not meet current ordinance criteria will be contacted, and possibly asked to apply for a variance. She too is hopeful that voluntary compliance will be achieved.

*Motion (Davies/West) to approve a 75% sign permit fee waiver (applicant to pay 25% of costs) to remove and replace the permitted sign at Murphy's. **Passed unanimously.***

2. Discussion/Update regarding Draft VDU Ordinance.

City Planner Trevor Parker explained that at the June Council meeting, and at the request of Coastal Commission staff, the Council approved a 'Resolution of Withdrawal' for the VDU Ordinance Local Coastal Plan amendment application. The reason for this was because the ordinance has changed so much, Coastal Commission staff would prefer to bring a clean, revised ordinance before the Coastal Commission to avoid confusion and so they can recommend approval of the ordinance 'as submitted.' However, there is still one unresolved issue regarding the water use language in the ordinance, and staff has been continuing to negotiate with Coastal Commission staff on this last issue.

Parker recalled that the Coastal Commission wanted to see a numerical cap on VDU water use based on the design flow of the septic system (which is based on the number of bedrooms). However, the City wanted to ensure there was an appropriate allowance for landscaping. Coastal Commission staff suggested that City staff

categorize the water use in the City based on the size of lots and number of bedrooms in the house. City staff attempted this, but found no pattern. However, it was also found that very few residences are actually using more water than the design flow of their septic systems, even including landscaping and other outdoor uses.

The Planner was able to obtain data on the number of bedrooms for 2/3 of the residences in the City (or 118). Only five of these used enough total water to exceed the design flow of their septic systems (3 VDUs and 2 non-VDUs). Of the remaining 58 properties without bedroom data, only the total water use of two of them exceeded the design flow for a 2-bedroom residence; neither of these residences are VDUs. Most of the design flow exceedances were by a small percentage, or had a reasonable explanation (e.g. formal landscaping, water leak). This indicates that excessive water use is not a problem, and therefore a reasonable numeric limit should not be objectionable.

We are working to resolve the underlined text: "To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that associated with the non-VDU use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a reasonable allowance for landscaping based on the lot size..."

The Planner proposed two alternative solutions to Coastal Commission staff. (1) a 30% allowance above the design flow (150 gallons per bedroom per day) for landscaping, which was based on the national average of 30% (where the state average is around 55%). Or (2), a broad sliding scale based on lot sizes as found on the 'Save Our Water Website' maintained by the Association of CA Water Agencies. At this point, Coastal Commission staff prefer the single percentage for all VDUs, but they are not sure that 30% is the appropriate number. Therefore, they are going to do a little more research to see if they can come up with a number that is more specific to the north coast. Coastal Commission staff assured me that they are going to work on getting this nailed down within a reasonable period of time, so that we can have the regulations in place before next spring.

***There was no comment from the Council or public.***

*No action taken.*

3. Discussion/Decision to Accept Compensation Study Cost Quote.

City Manager Suiker explained that during presentation of the city's budget, the council heard of staff's intention to present a proposal for a compensation study which was not ready at the time the budget was being considered. An acceptable proposal has now been received by the firm of Koff & Associates and is recommended for council consideration.

This proposal will update descriptions for four position classifications: City Clerk, Director of Public Works, Grants Manager and Records Manager. An updated job description was fairly recently developed for the position of Public Works Maintenance Worker when a position became vacant. Other positions have generalized duties and responsibilities upon which annual evaluations are based, but the descriptions for all positions should be formalized and defined in a consistent process to enable salary compensations based on level of responsibility, authority, difficulty and required training/experience.

In addition to development of formalized job descriptions, the proposed survey will compare salaries and benefits from comparable agencies for five position classifications (includes Public Works Maintenance Worker) and consider internal relationships as well. This will provide guidance in achieving proper salary differentials based on level of responsibility, and will be helpful in the city's ability to maintain and recruit quality staff, which is of particular important in such a small organization.

To allow the new city manager the opportunity to first get acquainted with the organization and staff responsibilities, it is proposed that implementation of the study not commence for a period of up to six months. The desired result is that the information in the final report be received by the council and available for consideration during preparation of the following year's budget. Sufficient funds are available in the city's general fund carry forward balance (reserves).

Council comments included:

**Fulkerson:** Does it really cost that much to evaluate 6 positions?

There was no public comment.

*Motion (Miller/Baker) to accept the compensation study cost quote in the amount of \$8,134 with implementation to be delayed six months, and approve a corresponding supplemental budget. **Passed 3-2. Fulkerson & Davies voting NO.***

4. Discussion/Decision regarding Approval of City Manager Contract.

City Manager Suiker explained that the City Council was pleased to announce the selection of Dan Berman as city manager and the proposed contract. This was the result of the recruitment process, conducted in closed sessions, following the notice given by the current manager at the meeting of May 14, 2014. Personnel decisions are protected by the Brown Act and not subject to public disclosure, although the contract is a matter of public record.

Dan Berman gave a brief introduction of himself, his background, thanked the Council for the opportunity, and announced he looked forward to working with the community he grew up in.

*There was no public comment.*

*Motion (West/Davies) to appoint Dan Berman as city manager and approve the proposed contract agreement. **Passed unanimously.***

5. Discussion/Decision to Appoint Subcommittee to Evaluate and Develop Procedures for Collection and Organization of Citizen Complaints.

City Manager Suiker explained that a suggestion has been made to develop a process and procedure for the collection and organization of citizen complaints that come to the city. One idea is an interactive on-line form that could be used by residents in addition to hard copy written complaints or issues about city operations that are received from time-to-time. This might also be the appropriate opportunity to include positive comments related to city services and operations.

To work out the necessary details, including possible web site redesign and programming to allow for an interactive form, it is suggested that the council appoint one or two of its members to work with the City Clerk on the specifics. Once a specific plan is identified, it could be rolled out to the full Council for consideration and comment prior to final implementation.

Public comment included:

**Richard Johnson** – Trinidad Area Resident

Not everyone is on the internet so we should not disenfranchise those who aren't by excluding paper complaint forms. They should be accepted in any form; letter, phone calls, fax, email, or formatted forms.

Council comments included:

**Davies:** I brought this up. I think a standardized form and filing procedure needs to be established.

**Baker:** I would like to help by assisting a fellow member of the council to develop the procedures.

*Motion (Davies/Baker) to serve on a subcommittee to develop process for collection and organization of citizen complaints. **Passed unanimously.***

**EMERGENCY AGENDA ITEM:**

November Election Cancellation:

As of this date, only (2) candidates have filed for the (3) open seats on the City Council this November. In the event this allows the City to avoid the November election and simply appoint members as needed, the Council wishes to do so. The election procedure requires that the Council take formal action to cancel the election and inform the County Elections office.

*Motion (Miller/West) to add the item to this meeting agenda, cancel the election, and appoint (3) members to the Council in November if the election code deems it permissible. **Passed unanimously.***

### **XIII. ADJOURNMENT**

- Meeting ended at 7:20pm.

**Submitted by:**

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**Gabriel Adams**  
City Clerk

**Approved by:**

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**Julia Fulkerson**  
Mayor

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, DECEMBER 10, 2014**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Davies.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION – *no closed session***

**IV. RECONVENE TO OPEN SESSION**

**V. APPROVAL OF AGENDA**

*Motion (Miller/West) to approve the agenda as amended. Passed unanimously.*

**VI. APPROVAL OF MINUTES – *No Minutes to approve.***

**VII. COMMISSIONERS REPORTS**

**Davies:** Nothing to report.

**Miller:** Announced the RCEA LED Lightbulb Exchange Program.

**West:** HCAOG discussed Highway 36 safety issues, cancellation of December 18 CalTrans meeting, and the retiring of Sherman Shapiro.

**Fulkerson:** RREDC is \$14,000 short of 1 million goal to secure additional airline into Humboldt. Also presented a brief slide show of positive things that happened in Trinidad in 2014.

**City Manager Berman:** Highlighted and announced various updates, including:

- Fire Department and Town Hall re-roofing projects complete.
- Luffenholtz Creek Sediment Reduction grant project complete.
- Water Treatment Plant improvement grant project nearing completion.
- VDU Ordinance is in Coastal Commissions hands now.

**VII: PROCLAMATIONS & ANNOUNCEMENTS – *None***

**VIII. ITEMS FROM THE FLOOR**

**Melissa Zarp** – Trinidad Chamber of Commerce  
Chamber update including HLA fund distribution, and announced upcoming Holiday Ball.

**Richard Johnson** – Trinidad Coastal Land Trust  
Invited the Council and public to the annual meeting this Sunday at the Museum, 3pm.

**IX. CONSENT AGENDA**

1. Financial Status Reports for October 2014.

2. Law Enforcement Activity For November 2014.

3. GHD Contract Amendment for Water Treatment Plant Upgrade Project. (Pulled for discussion)

City Manager Berman explained that in their role as City Engineer, GHD is under contract with the City for construction management in the ongoing upgrade of our Water Treatment Plant (WTP). There is a small parcel of privately owned land between Westhaven Drive and the WTP that presents challenges for access and maintenance at the WTP. The primary funder for the project, the California Dept. of Public Health, has agreed that survey, appraisal, and potentially acquisition of this parcel are allowable costs under our funding agreement with them.

This proposed contract amendment will add \$15,902 to our contract with GHD to cover the survey and appraisal of the property, and GHD's cost to secure and oversee these services. These funds would be covered within the existing funding from CDPH, so no additional cost to the City is proposed. These funds would be shifted from the contingency fund to the Contract fund in the existing grant agreement, reducing that contingency fund from a current balance of \$184,607 to a revised balance of \$138,705. Additional details are provided in the draft Contract Amendment (attached).



Council comment included:

**Baker:** Explained his concern for the issue in general, and that the City Engineer had not pointed it out to the City much earlier. It should have been dealt with immediately when the problem was noticed years ago.

*Motion (Miller/West) authorize City Manager to sign the attached contract amendment for services with GHD Inc. for survey and appraisal work associated with the Water Treatment Plant Upgrade Project. **Passed unanimously.***

4. Authorization to Accept Bid and Purchase Vector Mounted Trailer, Pending Concurrence from Trinidad Rancheria.
5. Approval of Draft Letter to Trinidad Rancheria for Planned Use of Remaining IHS Funds for Water Treatment Plant Upgrade.

*Motion (Miller/Davies) to approve the consent agenda as amended. **Passed unanimously.***

## **X. DISCUSSION AGENDA**

1. Report on November 2014 Election Results and Councilmember Appointments.

City Clerk Adams explained that the Tuesday, November 04 Election the city ballot included (3) Councilmember positions. The only name that appeared on the ballot was incumbent Jim Baker. There was one qualified write-in candidate, incumbent Dwight Miller.

The County certified the election results on December 02 (attached). Councilmember Miller received at 44 write-in votes, and Councilmember Baker received enough votes to retain his seat on the Council. Both their positions have been approved.

***One vacant seat remains open. The Council may fill that seat by appointment as soon as they find a qualified candidate, who must reside inside city limits and be a registered voter. At the time this meeting packet was published, no letters of interest have been received.***

Here is the updated list of current Councilmembers terms:

<b>Julie Fulkerson:</b>	Term expires December 31, 2016
<b>Jack West:</b>	Term expires December 31, 2016

<b>Dwight Miller:</b>	Term expires December 31, 2018
<b>Jim Baker:</b>	Term expires December 31, 2018
<b>Pending Appointment:</b>	Term expires December 31, 2018

### **Upcoming Schedule:**

- Councilmember Davies last meeting: Wednesday, December 10.
- Mayor Selection process: Wednesday, January 14.

### **Mayor Selection Process:**

City ordinance 2.06.010 states that "As soon as practicable after each general election at which one or more persons are elected to the city council, the council members shall vote one of their own to serve as mayor, and one to serve as mayor pro tem."

*There were no comments from the council or public.*

*Report only. No decision was made.*

2. Resolution 2014-18; Acknowledging the Public Service of Councilmember Tom Davies.

Mayor Julie Fulkerson read Resolution 2014-18, acknowledging the public service of Councilmember Davies. The Council thanked Davies and wished him well.

*Motion (Miller/West) to approve resolution 2014-18. **Passed unanimously.***

3. Discussion/Decision Regarding Planning Commissioner Appointments.

City Clerk Adams explained that Planning Commissioner terms fall under the same odd-year timeline as City Councilmember terms. In December (3) Commissioners terms will expire. It is up to the City Council to appoint or reappoint qualified candidates, who serve at the pleasure of the Council. The process and commissioner qualifications are described in city ordinance 2.20, Planning Commission (attached).

Here is a list of current Planning Commissioner seats and term limits:

<b>Richard Johnson:</b>	Term expires December 31, 2014
<b>Chuck Vanderpool:</b>	Term expires December 31, 2014
<b>Diane Stockness:</b>	Term expires December 31, 2014
<b>Mike Pinske:</b>	Term expires December 31, 2016
<b>Gale Becker:</b>	Term expires December 31, 2016

As of Friday, December 05, the city received (4) letters of interest for (3) vacant positions. Three of the applicants are currently serving and would like to continue; Richard Johnson, Chuck Vanderpool, and Diane Stockness. The third letter is from Elaine Weinreb, a non-resident who resides in Westhaven. Under the current ordinance, the Planning Commission is allowed (2) non-residents to serve under certain conditions, as described below...

*In the event there are no acceptable applicants from within city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon.*

There was no public comment.

*Motion (West/Baker) to re-appoint Richard Johnson, Chuck Vanderpool, and Diane Stockness to the Planning Commission for the 2014-2018 term, and thank Elaine Weinreb for offering to serve and keep her in mind if positions open in the future. **Passed unanimously.***

4. Discussion/Decision Regarding Appeal of State Parks CDP Application #2014-01, Vegetation Removal.

City Planner Trevor Parker explained that the project involves a proposal by CA Dept. of Parks and Recreation, Trinidad State Beach to remove select vegetation in an area from the main parking lot off Stagecoach Rd. to the Marine Lab. This project was considered by the Planning Commission at a duly noticed public hearing on July 16, 2014. The Planning Commission approved the project by a 3-0 vote, with one Commissioner absent and one Commissioner recusing himself due to owning property adjacent to the project. Several people attended the meeting to speak in favor of the project, while two letters were written in opposition.

The State Park representative, Michelle Forsy, verbally addressed most of the concerns brought up at the hearing. On July 29, 2014, within the appeal period, Kim Tays appealed the Planning Commission's decision to the City Council. Because the appellant has since moved out of state, EPIC has been designated as her representative. Coastal Commission staff wrote a letter dated August 27, 2014 that indicated that they concurred with some of the points in the appeal and suggested that more detail be added to the project description. On August 28, State Park project manager, Michelle Forsy met at the project site along with myself, Coastal Commission staff Kasey Sirkin and EPIC representatives Natalynne DeLapp and Kimberly Baker. We toured the entire project area with Michelle as she described the proposed activities in more detail. It became apparent that some of the concerns of the appellant were a result of misunderstandings and a lack of detail in the written project description.

In addition, some of the controversial project components were removed from the proposal, including the removal of native vegetation to restore both grassland habitat and coastal viewsheds. Based on the site visit and the Coastal Commission's August 27 letter, the project description and attachments were revised. The project manager, Michelle, sent out a revised project description on October 15, 2014. On October 30, the appellant, Kim Tays, sent an email still objecting to and questioning a few aspects of the project. Coastal Commission staff, Kasey Sirkin, also wrote a letter dated October 29, 2014 with some additional suggestions for improving the project description. Michelle met with Coastal Commission staff on November 21 to ensure that their concerns were adequately addressed.

I believe that the State Park's December 4 letter and revised project description and reports have done a thorough job of addressing the appellant's concerns. EPIC representatives and Coastal Commission staff have indicated that they do not have significant concerns with the current project description. However, based on the support given for the project by the public at the Planning Commission hearing, much of which was focused on view restoration, and public safety, I would like to address some of the changes that have been made to the project since that hearing. Important public views of the coast are protected by both the City's LCP and the Coastal Act. The original project, as approved by the Planning Commission, included more substantial vegetation removal than the current proposal. That proposal included removal of native vegetation in addition to the exotics. The purpose was to increase native grassland habitat (as opposed to the existing coastal scrub, which is also native) as well as to improve public views of the shoreline and ocean from the parking lot and trail.

In terms of procedure and action, the City Council can uphold or deny the appeal, or modify the Planning Commission's decision through additional conditions of approval or other means. Because the project description has changed, the original decision will necessarily be modified if the current proposal is approved. This is somewhat unusual, and could be considered to be partially upholding both the Planning Commission's decision and partially upholding the appeal. However, I do not think that the Planning Commission's action was wrong or inappropriate in approving the original project. But because the project has changed, there is no need to analyze that decision beyond the current proposal. It is staff's opinion that the required findings can be made and **staff recommends approval of the revised project**. If the Council wishes to approve the project, it is suggested that the motion be worded to deny the appeal and uphold the Planning Commission action with the condition that the project conform to the revised project description. On the other hand, a denial of the project, upholding the appeal, should be based on not being able to make one or more of the required use permit findings or a finding that the project is not consistent with one or more City LCP or Coastal Act policies.

Public comment included:

**Dick Bruce** – Trinidad

I wish this project had not been scaled back. The overgrown bluff can be a fire hazard. Invasive species are taking over. This is an incredibly important project and I fully support it. I also support the State Park coming back with Phase II and restore views. I don't support doing less than what's required just to avoid a fight.

**Michelle Foryes** – State Parks

I hope to return with a vegetation management plan for future viewshed and fire fuels reduction. State Parks prioritizes natives and removing non-natives species. We also want to remove 2 large Monterey cypress trees.

**Mike Pinske** – Trinidad

The area included in the project is along the school's northern boundary fence line. I've talked to the school principal about illegal camping and transients that hang out at the State Park. Removing vegetation along that fence should be included in the proposal for safety reasons. Foryes explained that the proposal calls for removing that vegetation, but replanting with native vegetation. Pinske also happy to hear the 2 big pines being removed, and completely supports both phases of this project as submitted for the purposes of protecting views and fire reduction/safety reasons.

Council comments included:

**Baker:** I'm very concerned with illegal transient camps in the Park, and especially near the school, and support the State Park in their efforts to maintain this area.

**Miller:** Thanked Dick Bruce and Mike Pinske for their comments and contributions. The vegetation along that trail system to the west of Underwood is so much taller than it was a few years ago, and the fire danger is REAL. Camping in the brush is an ongoing issue that our law enforcement addresses periodically and as needed. Thanked City Planner Parker for the excellent summary.

**Fulkerson:** Just want to emphasize that removing the brush won't remove the homeless, and the term "viewshed" is subjective. Homes block views too.

*Motion (West/Baker) to deny the appeal and uphold the revised project description as proposed by the State Parks Department. **Passed unanimously.***

### **XIII. ADJOURNMENT**

- Meeting ended at 8:40pm.

**Submitted by:**

**Approved by:**

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**Gabriel Adams**  
City Clerk

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**Julie Fulkerson**  
Mayor

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, JANUARY 14, 2015**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker. *Only 4 members currently. Still seeking #5.*
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION – *no closed session***

**IV. RECONVENE TO OPEN SESSION**

**V. APPROVAL OF AGENDA**

*Motion (Baker West) to approve the agenda as written. Passed 4-0.*

**VI. APPROVAL OF MINUTES – 11-12-14 cc**

*Motion (Miller/West) to approve the minutes as submitted. Passed 4-0.*

**VII. COMMISSIONERS REPORTS**

**Miller:** Attended council member training last Saturday put on by the League of CA cities. Also attended Coastal National Monument meeting and met new harbor business manager Grant Roden. Over 300 people showed up to the Lighthouse open house celebration last Saturday.

**West:** Nothing to report.

**Fulkerson:** Also attended the Lighthouse open house event and commented its success. RREDC reached the 1 million dollar goal for attracting another airline to Humboldt. Also discussed the 2016 ballot measure that could legalize marijuana and its possible impacts to the local economy.

**City Manager Berman:** Highlighted and announced various updates, including:

- Attended the Council/Management Training session and found it very useful.
- Mid-Year financial report should be on next month's agenda.
- Water Treatment Plant project complete. Now discussing survey and property boundary corrections.
- Clarified that the chalk drawings on the underpass are the city's responsibility to clean up.

**VII: PROCLAMATIONS & ANNOUNCEMENTS – *None.***

**VIII. ITEMS FROM THE FLOOR**

**Carrie Peyton-Dahlberg** – Trinidad Chamber of Commerce

Chamber update including upcoming TCBR race promotion, and still seeking volunteers to help with the race. Also presented the new Trinidad paper tear-off map, and announced support for the upcoming Trinidad Art Night season.

**IX. CONSENT AGENDA**

1. Financial Status Reports for November 2014.
2. Law Enforcement Activity For December 2014.

*Motion (West/Baker) to approve the consent agenda as submitted. Passed 4-0.*

**X. DISCUSSION AGENDA**

1. Discussion/Decision regarding selection of Mayor.

City Clerk Adams explained that City ordinance 2.06.010 states that "As soon as practicable after each general election at which one or more persons are elected to the city council, the council members shall vote one of their own to serve as mayor, and one to serve as mayor pro tem.

There was no public comment.

*Motion (Miller/Baker) to reappoint Fulkerson as Mayor. Passed 4-0.*

*Motion (West/Baker) to reappoint Miller as Mayor Pro-Tem. Passed 4-0.*

2. Presentation/Annual Update from Trinidad North Coast Land Trust.  
Trinidad Coastal Land Trust representative Ben Morehead presented slide photos and updates on various programs and projects that the Coastal Land Trust is working on in 2014-2015.

There was no public comment.

*The Council thanked Morehead for the presentation and looked forward to future updates. No decision was made.*

#### **REQUEST FOR FUTURE AGENDA ITEMS**

1. Councilmember Miller will be absent in February.
2. New Councilmember appointment as soon as possible.
3. Committee Assignments/Re-Assignments
4. Mid-Year financials
5. VDU Ordinance Update
6. Sign Update

#### **XIII. ADJOURNMENT**

- Meeting ended at 7:15pm.

**Submitted by:**

\_\_\_\_\_  
**Gabriel Adams**  
City Clerk

**Approved by:**

\_\_\_\_\_  
**Julie Fulkerson**  
Mayor

**MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL**  
**MONDAY, FEBRUARY 02, 2015**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION (*Scheduled for AFTER regular session*)**

1. Real Property Negotiations Pursuant to Government Code Section 54956.8  
Agency Negotiators, City Manager and City Attorney. Topic: Price and terms for property owned by Bob Crittenden adjacent to the Trinidad Water Treatment Plant, APNs: 515-121-18 and 515-121-34
2. Discussion regarding Active Litigation in the case of Tsurai Ancestral Society vs City of Trinidad; Pursuant to Government Code section 54956.9(b) and/or section 54956.95.
3. Discussion regarding threatened litigation related to the Wagner Street Trail per Government Code section 54956.9 (b)

**IV. RECONVENE TO OPEN SESSION – *No report out.***

**V. APPROVAL OF AGENDA**

*Motion (Miller/West) to approve the agenda as written. Passed 4-0.*

**VI. APPROVAL OF MINUTES – *No minutes to approve***

**VII. COMMISSIONERS REPORTS**

**Miller:** RCEA held an introduction/informational meeting for new members.

**West:** Nothing to report.

**Fulkerson:** Nothing to report.

**Baker:** Participated in the Clam Beach Run last weekend.

**City Manager Berman:** Highlighted and announced various updates, including:

- Introduced HSU Intern Alex Corriea who will be working with City through April.
- Announced upcoming budget visioning session/meeting in March.

**VII: PROCLAMATIONS & ANNOUNCEMENTS**

1. Engineer's Week, February 22<sup>nd</sup> through 28<sup>th</sup>, 2015

Mayor Fulkerson read the proclamation. Jordan King from Greenway Partners represented ASCE and highlighted various engineer related projects in Trinidad such as the Stormwater Project and Infrastructure report cards. Also described The Link building, located at 8<sup>th</sup> and N Street in Arcata where Greenway Partners campus is located.

**VIII. ITEMS FROM THE FLOOR**

**Pat Morales – Trinidad**

Concerned with the implementation of the OWTS program, specifically the performance rating process, the questionnaire, and why it's taking so long to send out applications to the rest of the City. She claimed that her rating was satisfactory instead of good, mainly because she refused to answer questions that may violate HIPA medical act. The City has so many rules with no one to enforce them.

**IX. CONSENT AGENDA**

1. Financial Status Reports for December 2014.
2. MOU Between the City and the BLM as Cooperating Agencies Regarding the Management Planning Process for the Trinidad Head Light Station Property.

*Motion (Miller/Baker) to approve the consent agenda as submitted. Passed 4-0.*

**X. DISCUSSION AGENDA**

1. Discussion/Decision regarding Appointment of Dave Winnett as Councilmember.

City Clerk Adams explained that one letter of interest was submitted by Underwood Drive resident Dave Winnett to fill the vacant seat. It has been confirmed that Winnett is eligible to serve the remaining term through December 2018. If appointed tonight, the oath of office will be administered and Winnett could immediately assume the position.

Councilmember Miller explained that he encouraged Winnett, thought he would be a great asset to the Council, and was very happy to see him willing to serve. Miller thanked Winnett for signing up. Mayor Fulkerson agreed.

There was no public comment.

*Motion (Miller/Baker) to appoint resident Dave Winnett to serve as Councilmember through term ending December 2018. **Passed 4-0.***

2. Discussion/Decision regarding Councilmember Committee Assignments.

Mayor Fulkerson explained that Councilmembers serve as City representatives to numerous committees and agencies within the county. At any time the Council may choose to assign or re-assign positions, but it is customary to assign them as soon as possible after each regular election.

The chart below represents the assignments as discussed by the Council in open session.

There was no public comment regarding this discussion item.

*Motion (West/Baker) to approve the assignments as designated in the list below. **Passed unanimously.***

COMMITTEE	REP	ALT
Humboldt Waste Management Authority <b>HWMA</b>	Miller	West
Humboldt County Association of Governments <b>HCAOG</b>	West	Miller
Tsurai Management Plan Implementation Committee	West, Baker	Miller
Redwood Regional Economic Development Corp. <b>RREDC</b>	Fulkerson	Baker
HTA Humboldt Transit Authority <b>HTA</b>	Fulkerson	West
Redwood Coast Energy Authority <b>RCEA</b>	Miller	Baker
BLM Gateway Committee	Miller	City Manager
Humboldt County Convention & Visitors Bureau <b>HCCVB</b>	Winnett	Miller
Library, Museum, Park Committee	Baker, West	Miller
Office of Emergency Services <b>OES</b>	Baker	West
Hazardous Materials Response Authority <b>HMRA</b>	Baker	West
Indian Gaming Benefit Committee	Miller	West
Humboldt Mayors Committee	Fulkerson	
Local Law Enforcement Committee	Baker	
Trinidad Rancheria Liaison	Fulkerson, West	
League of CA Cities	As Needed	



3. Consider Acceptance of 2013-2014 Financial Report and Audit, and Consider Authorizing the City Manager to Execute the 2014-2015 Engagement Letter.

City Manager Berman explained that the firm of Marcello and Company, Certified Public Accountants, has performed the fiscal and management audit for the City of Trinidad for the past several years. The principal in the firm, Ralph Marcello, CPA, has personally performed these audits and is keenly aware of the City's practices and finances.

The 2014 Financial Report finds that the city conformed with generally accepted accounting principles, and the financial statements are a fair and accurate representation of our financial position and activities over the prior year, and no audit findings or exceptions were identified. This is a clean audit report.

The City's General Fund and Water Fund both improved in their net positions during the course of this audit year. The General Fund improved by approximately \$116,000, with expenses about 10% under budget, and revenues almost 15% over budget. As recently reported County-wide, 2013-14 was a banner year for visitors to our County, and for Trinidad our Transient Occupancy Tax was significantly higher than budgeted, totaling \$130,000, almost 40% over the \$93,000 budgeted. \$10,000 was transferred to capital reserves for the Fire Department. Last year's surplus helped the City address some needed maintenance in the current year's budget, including the re-roofing and building addition for the fire department, and the re-roofing of Town Hall.

The Water Fund improved by \$88,000 due largely to lower than expected expenses. Significant state grant funding helped offset personnel expenses (some staff time was eligible to charge to the grant), as well as water plant equipment and repair expenses. A significant amount is budgeted for water line repairs and maintenance each year, and actual expenses were luckily low in this line item last year, although this can change quickly with a few major leaks. Water sale revenue was very close to budgeted expectations. A \$15,000 transfer to water capital reserves was made in the audit year as was planned for in the adopted budget.

The Cemetery Fund broke even for the year.

Mr. Marcello is again willing to perform the audit for FY2014-15, and his proposed engagement letter is included for your consideration. Due to Mr. Marcello's knowledge of the city's financial practices and methods, he requires minimal support from the city's limited staff to support his audit efforts. His fees are unchanged from last year, and continue to include a 10% fee reduction based on his familiarity with our finances, and clean audit results to date.

There was no public comment.

The Council expressed appreciation for the Auditors familiarity and history working with the City, as well as acknowledged their appreciation for the 10% fee reduction.

*Motion (Miller/West) to: 1) Accept the FY2013-14 Annual Financial Report and Audit, and 2) Authorize the City Manager to execute an Audit Engagement Letter to perform the FY2013-14 audit for \$16,200, prepare the draft financials for \$1,800 and reimburse for out of pocket costs at \$900. **Passed unanimously.***

4. Presentation/Report on Mid-Year Budget Status.

City Manager Berman presented various slides and charts illustrating the city's funds, expenses relative to revenues as reported by the city's bookkeeping firm, and in summary explained that the City's financial position is on track for a possible surplus at the end of this fiscal year ending June 30, 2015.

There were no comments from the Council or public.

*Presentation item only. No decision was made.*

5. Update/Discussion regarding Vacation Dwelling Unit Ordinance

City Manager Berman explained that in the meeting packet for discussion tonight is the draft VDU application packet that will be sent to all VDU owners and managers in anticipation of the Coastal Commission's approval of

the new City ordinance. All owners/operators will be required to comply with the new ordinance, and will be asked to submit an application in advance of the July 01 renewal date for licenses currently in effect. The packet includes a cover letter explaining that this is only a draft, and as soon as the Commission issues final approval, the City will send the final version with the submission deadline of June 30.

Council comment included:

**Baker:** Who will be reviewing the applications? **Berman** explained that the Clerk will review for licensing details, but the City Planner will review for consistency/compliance with the Ordinance.

**Winnett:** Shouldn't this be determined first? The consequences to applicants are too big for the city to not get it right the first time. **Berman** agreed to do some homework and determine how best to handle applications.

**Fulkerson:** We should add a note to the letter that this is the product of over 4 years of work and countless hearings.

Public comment included:

**Tom Davies** – 435 Ocean Ave. Trinidad

The ordinance addresses vacation rental issues from a complaint driven process. A plot plan should be submitted so the City can respond to problems as they arise. Enforcement will be difficult.

**Kathleen Lake** – 435 Ocean Ave. Trinidad

This is intended to be a work in progress. It is a good start, but the ordinance will need periodic review.

*CM Note: Wednesday at 10:00am the city will host a League of CA cities webinar presentation featuring how other cities are dealing with the rise of the vacation rental industry.*

*No decision was made. The draft application will be sent as soon as possible to alert owners/operators of the process to prepare for as soon as the Coastal Commission renders their decision.*

6. Discussion/Decision regarding consideration of sponsorship donation to upcoming Storm Gathering Sea Kayak Symposium Event.

City Manager Berman explained that a three day international sea kayak symposium will occur centered in Trinidad on March 6-8<sup>th</sup>. The organizers are requesting that the City consider being a sponsor of the event, for which we would have our City logo on the event promotional materials (t-shirt, website, posters, etc.)

The event will use the Town Hall facilities over three days, with a total cost of approximately \$700. They have requested the City consider a partial or total waiver of those fees. Staff requested input from our auditor, as the City is prohibited from making a 'gift of public funds' to anyone. His response was that event sponsorship is clearly allowed for promotional purposes; the question he posed is whether the City truly needs/benefits from the promotional value we would receive. He also said rather than waiving fees, if the City wants to be a sponsor, we should charge our regular Town Hall fees, and cut a separate sponsorship check to keep clearer financial records of the decision.

Staff feels that sea kayaking is a real niche tourism market, and Trinidad is an incredible setting for it, so helping spread our City name in that community could be valuable. However there is a slippery slope argument where we are opening the door to sponsoring commercial events. Staff is neutral on this proposition, but wanted to bring it to the council for consideration. A recent communication from the event organizers is included in the packet for context, and they have been invited to attend the meeting.

Public comment included:

**Tom Davies** – Trinidad

The City should not take on sponsorship roles. This is an opportunity better suited for the Humboldt Lodging Alliance funds, or for the Chamber of Commerce.

Council comment included:

**West, Miller, Winnett, and Baker** all agreed that although this was a very exciting event for the City of Trinidad to host, the City should NOT take on sponsorship roles. However, they recommended that the Storm Gathering

seek support from the Chamber of Commerce, an organization much more suitable for providing assistance to events of this type. *No formal decision was made.*

**REQUEST FOR FUTURE AGENDA ITEMS**

1. Water System Capital Improvement Plan.
2. VDU Cap Discussion
3. Goal Setting Session for 2015-2016

**The Council ADJOURNED TO CLOSED SESSION.**

**XIII. ADJOURNMENT**

**- Open Meeting ended at 8:05pm.**

**Submitted by:**

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**Gabriel Adams**  
City Clerk

**Approved by:**

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**Julie Fulkerson**  
Mayor

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**MONDAY, MARCH 09, 2015**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 5:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Winnett
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF AGENDA**

*Motion (Miller/West) to approve the agenda as written. **Passed unanimously.***

**IV. ITEMS FROM THE FLOOR - None**

**V. CONSENT AGENDA – None**

**VI. DISCUSSION AGENDA**

**1. Discussion/Decision regarding Draft Vacation Dwelling Unit Ordinance**

City Manager Berman explained that the Council approved a final version of the Vacation Dwelling Unit (VDU) Ordinance last fall through a first reading in October, and a second reading and adoption in November. Coastal Commission approval is required for the Ordinance to take effect. The Coastal Commission is considering the Ordinance this Wednesday March 11<sup>th</sup>. It is on their consent agenda with a staff report recommending approval.

One of the restrictions in the ordinance is a limitation of one VDU per parcel. It has recently been brought to the City's attention that this limitation would force a change in rental practices on a particular property in the City. That property owner did not anticipate this impact until this late date in the process, feels that this impact is unnecessary and may not have been anticipated by the Council, and has requested an opportunity to review this situation with the Council before the VDU Ordinance receives final approval by the Coastal Commission. The property in question is an apartment building between the Eatery and the Holy Trinity Church. It has four (4) two-bedroom apartments. Three are being rented as VDUs, and the owner is trying to find a way to continue this practice.

There are two key questions:

1. Does the existing Ordinance language allow for more than one of the four units to be used as a VDU?
2. Does the Council want to pull the Ordinance back from the Coastal Commission and develop changes to the Ordinance.

On the first question, staff's interpretation of the Ordinance is NO. Renting multiple units in this structure independently as VDUs seems to be in direct contradiction to the '1-VDU per parcel' language of the Ordinance. The only potential fix within the language that staff can envision is if all three units were rented as a single unit, to a single party. Then it would be one VDU, consisting of three two-bedroom apartments. It's worth thinking about how this interpretation would apply with a more common situation in Trinidad, a typical single-family residence with a separate Accessory Dwelling Unit (ADU), i.e. a mother-in-law type unit on the same parcel. The ordinance language reads as though the owner cannot rent both the primary and the ADU structures as two separate VDUs. However staff currently interprets this language so as to allow the owner to rent the combination of the two units as one VDU.

The largest question at issue for this discussion is whether the Council wants to change the VDU Ordinance.

If so, there will likely be a minimum delay of six to nine months before a revised Ordinance will take effect. This time frame will depend in part on how extensive the changes are, and whether they trigger any new concerns with the Coastal Commission. In this case Council would direct staff to notify the Coastal Commission that the City wants to withdraw our request for approval until the Council revises the language and resubmits a new version to the Coastal Commission. The Ordinance would then be open to revision throughout, not just with regard to the specific language of concern at this meeting.

If Council leaves the current process in place, and the Ordinance is approved on Wednesday by the Coastal Commission, it becomes part of our approved Local Coastal Plan, and any changes, including simply undoing it, would require substantial time and process, including Coastal Commission review and approval.

Council questions:

**Baker:** Why was this property zoned Urban Residential in the first place? City Planner Trever Parker explained that it is currently considered legal non-conforming, but that staff could start working on an amendment to the ordinance tomorrow for a future date to correct the issue that the owner Mike Reinman is facing.

Public comment included:

**Mike Reinman** – RCVR Owner, and 4-plex owner.

Played a recording segment from the April 09 hearing where the decision was made to add the 1-VDU per parcel limit. He argued that the problem he's facing with the 4-plex was unintentional. The context of the discussion was focused on residential parcels on small lots with accessory dwellings or garage conversions being rented as VDU's along with the main residences. He also explained that he didn't catch it earlier because it didn't show up in a later draft version as a tracked change. He urged the Council to reconsider the restriction, or propose an immediate resolution.

**Jonna Kitchen** – Trinidad Retreats Owner & Trinidad Resident

I agree with Mike that the communication was poor. This wasn't a minor amendment. It has significant impacts to his property... the only apartment complex in town. However, it will be a shame if the ordinance gets delayed again because of this.

**Tom Davies** – Trinidad

5 years ago we agreed that only one unit on the property would be allowed to operate as a VDU. Our main concern was residential units with legal or illegal second units being rented, causing unwanted congestion and various nuisances associated with VDU's. There are (3) duplexes on my street. The more VDU's we allow, the less permanent housing there will be for residents. Hopefully the ADU Ordinance will address affordability issues.

**Pat Morales** – Trinidad

The 1 VDU per parcel language should stay. Just because Reinman's business brings in revenue to the City doesn't mean he should receive special treatment. Renting the whole complex as one unit circumvents the intent of the law and should not be considered.

Council comments included:

**Winnett:** When and how did this happen? If the building was established prior to the zoning ordinance, why is it being treated differently? I'm not comfortable with government taking away something that pre-existed or operated legally at some point prior to a new law going into affect. **Parker** explained that the zoning ordinance allows structures that pre-date the ordinance to become legal. The VDU ordinance does not.

**Baker:** There needs to be a balance between vacation rentals and permanent housing. That's why I voted in favor of limiting to 1 VDU per parcel. Recommendations should not be made on a case-by-case basis.

**Miller:** I agree with Baker. We must strike a balance with housing inventory. I appreciate this issue being brought to the Council. We should proceed as planned and begin working on an amendment that resolves the issue affecting this property as soon as possible.

**Fulkerson:** If the ordinance can be interpreted in Reinman's favor, let it go. If not, let the Commission decide on the current version and then let's discuss a more appropriate resolution at a future meeting.

*Motion (Miller/Baker) to direct staff to send a letter to Coastal Commission staff encouraging support of the ordinance as written and to proceed as planned. Passed by the following vote: 3-1-1: (West, NO), (Winnett, ABSTAIN)*

**ADJOURNMENT TO NEXT MEETING SCHEDULED FOR 6:00PM.**

**Meeting ended at 6:00pm.**

**Submitted by:**

**Gabriel Adams**  
City Clerk

**Approved by:**

**Julie Fulkerson**  
Mayor

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, MARCH 11, 2015**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Winnett.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Attorney Andy Stunich, City Engineer Josh Wolf.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION**

1. Real Property Negotiations Pursuant to Government Code Section 54956.8  
Agency Negotiators, City Manager and City Attorney. Topic: Price and terms for property owned by Bob Crittenden adjacent to the Trinidad Water Treatment Plant, APNs: 515-121-18 and 515-121-34
2. Discussion regarding Active Litigation in the case of Tsurai Ancestral Society vs City of Trinidad; Pursuant to Government Code section 54956.9(b) and/or section 54956.95.

**IV. RECONVENE TO OPEN SESSION**

City Manager Berman reported that the Council approved the purchase a small parcel of land adjacent to the Water Treatment Plant to improve access to the facility for the amount of \$20,000. Two-Thirds of the cost will be covered by remaining grant funds available. The rest will come from the Water Fund.

**V. APPROVAL OF AGENDA**

*Motion (Miller/West) to approve the agenda as written. **Passed unanimously.***

**VI. APPROVAL OF MINUTES – No minutes to approve**

**VII. COMMISSIONERS REPORTS**

- Miller:** The Van Wycke trail is deteriorating rapidly and I support any effort to seek funding opportunities because the trail is invaluable to this community.
- West:** Attended HCOAG meeting. Updated on progress with bike/pedestrian trail on 101 from Braecut to Eureka, various billboard permits revoked, and repairs needed on the bay levee.
- Fulkerson:** Update on RREDG Executive Director hiring process, and upcoming Humboldt Lodging Alliance marketing campaign preview release party.
- Winnett:** Also noted the HLA marketing campaign party scheduled in March.
- Baker:** Nothing to report.

**City Manager Berman:** Highlighted and announced various updates, including:

- Budget workshop highlights. Hope to have a report by next Council meeting to guide budget process.
- Attended a Sea Level Rise/Climate Change meeting last week.
- Attended a FEMA meeting regarding update of local flood hazard mapping program. Only the Harbor will be affected.

**VII: PROCLAMATIONS & ANNOUNCEMENTS – None**

**VIII. ITEMS FROM THE FLOOR**

**Katherine Wayne – Trinidad Chamber of Commerce**

This year the Chamber will be limiting the number of meal tickets sold at the Fish Festival. There will be new food options, new ideas, and further details will be announced at the upcoming Chamber mixer. Everyone is welcome to attend.

**Annalisa Rush – Trinidad Area Resident, & Fitness Instructor**

Announced that she will be teaching a new Foundation Training fitness class at the Town Hall Monday & Thursdays 11:30-12:00. Open invitation.

**Suzanne – Trinidad Artist & Resident**

Explained how she has taken an interest in removing litter and trash from the beaches and tide pools. Claimed she picks up at least one grocery bag of trash every day, and is very concerned about crab pot debris and fishing material that is left behind to trash local beaches. (She demonstrated her collection by dumping a box of gathered

litter on a blanket in front of the Council on the floor, including a dead sea bird with fishing line strangling its neck). She had 3 banners made that contain phrases that she hoped would raise public awareness about the issue, and asked the Council to support them. The Council encouraged her to share them with the Rancheria for possible posting near the Harbor facilities. They also thanked her for her tireless efforts removing litter.

#### **IX. CONSENT AGENDA**

1. Financial Status Reports for January 2015
2. Consideration of approving a Health Reserve Account Benefit for City Employees.
3. Staff Activity Reports
4. Consider PARSAC payment request for damage claim against the City.

*Motion (West/Baker) to approve the consent agenda as submitted. **Passed unanimously.***

#### **X. DISCUSSION AGENDA**

1. Discussion/Decision regarding consideration of GHD Contract Amendment for Water Treatment Plant  
City Manager Berman explained that in their role as City Engineer, GHD is under contract with the City for construction management in the ongoing upgrade of our Water Treatment Plant (WTP). This proposed contract Amendment will increase the budget available to GHD for these services by \$39,185.25.

The construction project was originally estimated for completion in 6 months. As of February 2015, the project has been on-going for over 12 months and is anticipated to take an additional 2 - 3 months to complete the remaining construction items as well as additional change order items expected.

The increase in time of completion of the project was due to a significant amount of work being added to the project to address unforeseen project conditions, to correct treatment plant deficiencies, and upgrade facilities to make the plant more reliable and allow the plant operators to better manage the plant. Approximately \$220,000 in change orders have been executed to date and an additional \$25,000 in change orders are expected to be issued in the immediate future. These change orders were funded out of project contingency funds.

City Engineer Josh Wolf displayed a series of before and after photos, and highlighted various aspects of the project. He further explained that in addition to the time increases, additional effort was expended evaluating the benefits of possible change orders, developing requests for quotes, coordinating changes (with the City, CDPH and the Contractor), reviewing submittals associated with change orders, overseeing the change order work in the field, and processing payment requests for change order work.

The change orders issued also need to be documented through construction as-builts/record drawings that are expected to take a significant additional effort. The funds for this amendment are covered within the existing grant funding from CDPH, so no additional cost to the City is proposed. The CDPH grant manager has already indicated her approval of these changes. These funds would be shifted from the contingency fund to the Contract fund in the existing grant agreement. Additional details are provided in the draft Contract Amendment

#### Council member comments:

**Miller:** Question about the recent notice water customers received about disinfection byproducts, and how these changes might relate to better water quality in the future. **Wolf** explained that this project will do exactly that - by allowing the city to not only improve the way it monitors the water it treats, but by allowing it to treat more settled water, thereby reducing the disinfection byproducts caused in the treatment process.

There was no public comment.

*Motion (Miller/West to authorize City Manager to sign contract amendment no. 3 for services with GHD Inc. for engineering and construction management associated with the Water Treatment Plant Upgrade Project. **Passed unanimously.***

2. Discussion/Decision regarding consideration of MOU for Electric Vehicle Charging Station at Saunders Park. City Manager Berman explained that Redwood Coast Energy Authority has secured a grant to install Electric Vehicle (EV) charging stations in multiple locations in the County, including one in Trinidad. The Council previously voiced their support for this grant application, including a site in Trinidad.

RCEA Executive Director Matt Marshall explained that RCEA has identified a preferred site – the parking area in Saunders Park, as shown in the attachment to the Memorandum of Understanding. The charging station would require one site to be reserved for EVs, as shown on the site map. A second adjacent site would be 'preferred' but not reserved. This site was selected for multiple reasons: immediate proximity to the freeway, it's not typically overfull, (unlike the parking near Town Hall), and there is an electric panel available for connection on the Library.

RCEA will still need to go through the City permitting process for this construction work, but the MOU provides some basic certainty that the City agrees this is an appropriate location, and is willing to allow the project. It also protects the City via assurances regarding insurance. The Trinidad Coastal Land Trust is the underlying property owner. City Staff is communicating with the Land Trust and are expecting written confirmation from them prior to the meeting that this is allowable under the terms of our easement and lease agreement.

Council questions included:

**Winnett:** What happens when 20 people want the charging station at the same time? **Marshall** explained that would be highly unlikely, but the effort needs to start somewhere. This one charging station is designed to accept payment via credit card terminal, and users will be paying for their "fill up". We also looked at travel demand models to help determine use. One should be enough, for now.

Public comment included:

**Lilliana (?)** – Trinidad Area Resident

Owns a 100% electric Nissan Leaf. Travels 73 miles on a full charge. It is a different way of life, but linking stations up the north coast will not only add to the convenience of those of us who own electric vehicles, but also be great for tourists who travel by electric cars. Trinidad should get on board. There are more electric vehicles in Trinidad per capita than any other Humboldt County city.

The Council expressed support for this project and thanked RCEA for leading the way.

*Motion (Baker/Miller) to authorize City Manager to sign the attached MOU for an electric vehicle charging station at Saunders Park. **Passed unanimously***

**REQUEST FOR FUTURE AGENDA ITEMS**

1. VDU amendments.
2. GIS system to use for housing inventory.

**XIII. ADJOURNMENT**

- Meeting ended at 7:20pm.

**Submitted by:**

**Gabriel Adams**  
City Clerk

**Approved by:**

**Julie Fulkerson**  
Mayor



**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, APRIL 08, 2015**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Winnett.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION – *No Closed Session***

**IV. RECONVENE TO OPEN SESSION**

**V. APPROVAL OF AGENDA**

- Pull items 2 & 3 for discussion.

*Motion (Miller/Baker) to approve the agenda as amended. Passed unanimously.*

**VI. APPROVAL OF MINUTES – *No minutes to approve***

**VII. COMMISSIONERS REPORTS**

**Miller:** Update regarding recent conversations with Del Norte County Transit service and providing vouchers to citizens stuck in Trinidad that need help getting to Crescent City for family and/or work.

**West:** Nothing to report.

**Fulkerson:** RREDC has job opportunities available. Also gave brief comment regarding recent Humboldt Lodging Alliance marketing campaign release party.

**Baker:** Update on Museum news and upcoming commercial fishing exhibit.

**Winnett:** Also attended the HLA marketing kick-off party unveiling an Alice in Wonderland themed campaign. Noted that HCCVB Director Tony Smithers claimed that the City of Trinidad does not make annual contributions to the board. As a member of that board for 6 years, I can say that they do a very good job marketing Humboldt County.

**City Manager Berman:** Highlighted and announced various updates, including:

- BLM will be hosting a meeting to receive input from the public on 4/22 regarding Trinidad Head lighthouse property management plan.
- The Governor just issued drought response plan. The City will be working on this and update the Council at a future meeting.
- Stormwater Discharge Ordinance also being developed by the City per State mandate.

**VII: PROCLAMATIONS & ANNOUNCEMENTS – *None***

**VIII. ITEMS FROM THE FLOOR**

**Patti Fleschner – Museum**

Thanked the City for continued support through bed tax revenue distribution for funding many local programs such as the Library, Museum, Chamber, Town Hall use, etc. Noted that the HCCVB receives benefits from all the Patrick's Point lodging businesses, so it may be a little misleading to think that they don't receive support from Trinidad.

**Richard Johnson – Trinidad Area**

Where did the "Oncoming Traffic has the Right of Way sign go" at the intersection leading out of town?

**Lisa Espejo – Trinidad Skate Park Alliance**

We have been working on this project for almost 5 years, and we're pleased to announce that the TSPA now has its own insurance policy to cover skate events, and now has its own mobile skate facility that will be brought out a few days a week on the school campus. Modular ramps have been purchased, along with an enclosed trailer to house them and move them from one area to another. We are also pleased to note that there have been little-to-no complaints from local community groups and business owners with regard to skateboarding in Trinidad. If anyone has any questions, feel free to contact me. Thanks for the continued support.

**Rocky Whitlow – Chamber of Commerce**

Fish Fest is changing dramatically this year. Join us for bi-annual dinner at Sunset Restaurant and find out more!

## IX. CONSENT AGENDA

1. Financial Status Reports for February 2015.
2. Trinidad Rancheria Invitation to serve on Interchange Study Team.

City Manager Berman explained that the Trinidad Rancheria is moving forward with efforts to develop a new freeway interchange that would provide direct access to the Rancheria. The next step in this process involves working with Caltrans to develop and complete a Project Study Report. The Rancheria is establishing a Project Delivery Team that will provide oversight of the Project Study Report, and they have invited the City Manager and the Public Works Director, as well as many other stakeholders, to participate on that Team.

Rancheria Staff recommend that the City Manager participate on the Project Development Team for the City. This will help keep the City fully informed and involved in the project, and will provide valuable opportunities for the City to ensure the Project Study Report addresses issues of importance to the City. Staff will report back with more information after the planned kick-off meeting.

### Public comment included:

#### **Richard Johnson** – Trinidad Area Resident

This is likely one of the most important issues that the city will face in years to come. It is extremely important to include all agency input, Fire, Police, and Public Works. The public should be notified of the interchange location, and when public input will be sought.

#### **Andrew Hagen** – Trinidad Area Resident

We are all stakeholders and should send a representative to these meetings.

### Council comment included:

**Winnett:** Asked Richard Johnson if he had any other encounters with this project? **Johnson** explained that he lives in the vicinity of the proposed interchange and he, along with his neighbors have cause for concerns with the project.

*Motion (Miller/West) to appoint the City Manager and a willing Planning Commissioner as representatives to attend the PDT for the Trinidad Rancheria proposed freeway interchange meetings. **Passed unanimously.***

3. Seawood Estates letter regarding potential for Mad River water.

City Manager Berman explained that one of the potential water sources for Trinidad and the surrounding communities is to establish a pipeline connection to the existing water lines in northern McKinleyville (Dows Prairie), which would then provide Mad River Water from the Humboldt Bay Municipal Water District. The HBMWD has vastly more supply than demand due to the loss of the major industrial users of that system. This option has been considered in multiple studies over many decades, with the most recent study for the City in 2008. The cost of the pipeline infrastructure, the rural nature of the larger Trinidad community, and concerns over potential growth inducing impacts of additional water supply are some of the key issues that have been raised in prior studies of this option. The City has considered the past studies and repeatedly chosen to continue treating and providing water from Luffenholtz Creek.

The City recently received a letter from the Seawood Estates Mutual Water Company expresses their support for another study to look at this potential water source, and specifically the option of connecting such a line far enough North to serve their customers. The Trinidad Rancheria is also discussing such a study as part of their long term planning efforts.

Staff's recommendation is that the City should be supportive of and participate in further study of water supply options for the City and surrounding area. This would include political support (i.e. a letter supporting a study), but a request for financial support of a study would need to come back to the Council for consideration. This is based on the belief that water supply is a crucial issue for the region, having more information is only helpful, and the City should be an active participant in such a study. Any such study should begin with reviewing the existing work addressing this issue to avoid duplicating effort and ensure prior analysis are considered. We are requesting the Council either affirm this position by supporting staff's recommendation, or provide alternate guidance or clarification of the City's policy on this issue.

Public comment included:

**Jim Cuthbertson** – Trinidad

This has been discussed many times in the past.

**Andrew Hagen** – Trinidad Area Resident

I support the study and/or possible connections to HBMWD. I live on Stumptown Road and there are water issues in that area.

Council comment included:

**Miller:** I support collecting as much information on this subject as possible.

*Motion (Miller/West) to affirm a general policy of supporting additional analysis of water supply options for the City and surrounding areas. **Passed unanimously.***

4. Stormwater Discharge Permit update.

5. Letter of Resignation from Planning Commissioner Gale Becker, and Vacancy Announcement.

*Motion (Miller/West) to approve the consent agenda items 1, 4, & 5 as submitted. **Passed unanimously.***

## **X. DISCUSSION AGENDA**

1. Discussion/Decision Regarding Results and Next Steps from Community Priorities Meeting.

City Manager Berman explained that on March 9<sup>th</sup> 2015 the City held a community meeting to gather input on goals and projects for the City. There was significant attendance and participation. A report submitted by the facilitator summarizes the input received at the meeting. However there was not an opportunity at that meeting for participants to prioritize among the ideas that were generated. Staff proposes the following approach to further engage the community in this process, and to help prioritize among the many projects that were suggested:

1. Number the project ideas for easier tracking
2. Print "ballots" for citizens to record their highest priority projects.
3. Announce widely that there is a two-week period to come in and have input re priorities at Town Hall.
4. Have a sign-up sheet to emphasize that we are trying to avoid people voting twice.
5. Tally and report back.

The intention is to utilize the input and priorities received through this process to help in guiding the work of the City, both through the annual budget and work plan, as well as in considering what projects to pursue through grants and other partnership opportunities.

Council comments included:

**Baker:** When will the ballots be ready? Rank voting is good, but it should be a simple ballot. Less options that better. **Berman** said they could be ready in one week.

**Miller:** I think the number of ideas should be summarized. There's just too much information in that report. This could easily overwhelm staff.

**Winnett:** I agree with Miller. We should prioritize by requesting 1, or top 3 votes of the 70 options listed.

**Fulkerson:** This is an advisory ballot that could be submitted on an index card listing top 14 ranked priorities.

*Motion (Winnett/Miller) to direct staff to develop a summarized list of priorities, and determine an efficient method to solicit public input for listing and prioritizing up to 14 options. **Passed unanimously.** Miller and Baker offered to help tally the ballots.*

*The Council skipped to #3 next.*

2. Discussion/Decision to Consider Response to Coastal Commission Letter Regarding the Wagner Street Trail. City Manager Berman explained that the Coastal Commission has notified the City by of their conclusion that certain signs and bollards (4x4 posts) on the Wagner Street Trail are in violation of the Coastal Act. The letter requests that the City either pursue immediate enforcement of these perceived Coastal Act Violations against the responsible party or request that the Commission move forward themselves with enforcement efforts.

There is a long history of expensive litigation surrounding the issues at question. The City has limited resources in terms of staff, relevant legal expertise, and finances to pursue this matter alone. In addition, the Commission is a party to many of the past legal proceedings, including the most recent legal settlement attempting to resolve conflicts about the Trail. Consistent with the request in the letter, Staff shared the letter and its request for immediate steps to resolve the perceived violations with the relevant property owner. The letter requests a rapid response by the City, now past due. Staff requested, and received permission for, additional time to allow for the City Council to meet and discuss a response.

Berman also noted that he spoke with Mr. Frame today, and that he threatened to sue the City if it proceeds to ask the Coastal Commission to intervene and pursue the issue.

**Mayor Fulkerson** stated Mr. Frame also contacted her, requesting a resolution be found locally.

Council comments included:

**Baker:** Why should we be afraid to enforce our own laws? All the Coastal Commission is asking us to do is to uphold our local ordinances. We can't keep kicking the enforcement can down the road. We need to make the first move. Also, I've heard that the boundary line between the City property and Mr. Frame's southern property boundary may be questionable. As a licensed surveyor I'm legally bound to acknowledge these issues if I'm made aware of them. The road right-of-way needs to be identified.

**West:** Agreed with Baker.

**Miller:** I'm completely in favor of the Coastal Commission taking primary responsibility.

Public comment included:

**Jim Cuthbertson** – Trinidad

I've had many meetings with Coastal Commission Director Bob Merrill. There are 2 things that the City hasn't done to fulfill the 2005 Settlement Agreement. 1) Put the trail markers in, and 2) keep the vegetation height on the South side of the trail to 3 feet. Other than that, Frame shouldn't have any grounds to threaten the City.

**Mike Pinske** – Trinidad

This is a very important decision for the City to make. Any opening for Frame to come back at you is dangerous. Let the Coastal Commission take the lead on this. There concern is public access, and the signs are in violation of numerous laws and issues. It's a no-brainer. Seize this golden opportunity.

**Andrew Hagen** – Trinidad Area

I'm a big fan of coastal access. The Council should take this opportunity and let the Coastal Commission take the lead.

**Ann Pinske** – Trinidad

Also in favor of letting the Coastal Commission handle it.

**Steve Saunders** – Trinidad

Thanked the City for taking this issue to the Coastal Commission. This is a gift that we should immediately accept. Ask the Commission to clarify the maintenance issue as well, insisting upon a 4 foot wide pathway at entrance, and also assist in the installation of trail markers.

Council comment included:

**Miller:** I'd like to minimize attraction of another lawsuit, so if the city hasn't complied with any pieces of the settlement, it should do so immediately to ensure minimal exposure.

**Baker:** Agree with Miller. Also very concerned about property line boundaries, and doesn't like the idea of one person running a town with legal threats.

West: Can we put the trail markers in right away? Berman explained that there is confusion about which markers were agreed upon, and until that's resolved the City shouldn't make jump to conclusions.

*Motion (West/Baker) to direct the City Manager to respond to the Coastal Commission requesting they assume primary responsibility in handling the enforcement effort related to the Wagner Street Trail as identified in the March 24, 2015 letter to the City. **Passed unanimously.***

*The Council heard item #4 next.*

3. Discussion/Decision Regarding Consideration of Revisions to the Vacation Dwelling Unit Ordinance.

City Manager Berman explained that the City's Vacation Dwelling Unit Ordinance was approved by the Coastal Commission at their meeting of March 11<sup>th</sup> 2015, and is now in effect. Existing VDU's have until approximately June 11<sup>th</sup> 2015 to comply with the Ordinance. There has been interest expressed in revising or adding to the Ordinance by the Council and some members of the public. This agenda item provides information and recommendations about possible approaches to revising the Ordinance.

**Process for Revising the Ordinance:**

Any changes will require the following process:

1. A process to develop recommended changes is selected. (***This is where we are now.***)
2. A draft revised Ordinance is developed and brought to the Council for preliminary approval. (1-3 months)
3. Coastal Commission staff input is solicited and incorporated, as the Commission will need to approve the revised version. (1 to 9 months – depends on extent of changes)
4. Council holds an initial reading of the revised Ordinance. (two weeks)
5. Council holds a final reading and adoption (1-2 months from initial reading)
6. The final ordinance is submitted to the Coastal Commission (two weeks from final reading)
7. Coastal Commission approves the revised ordinance. (3 to 6 months)

Total time involved could be 4-6 months for a very minor change, or 6-12 months for more intense changes.

**Possible Revisions:**

There are two specific changes that have been suggested in recent months. One is to change a single sentence to either relax, or make a specific exception to, the restrictions on multiple VDU's per parcel. The other potential change is to consider putting limits on the extent and number of VDUs. This might take the form of a cap on the number of VDUs allowed in the City, or to limit the time each year that a property can operate as a VDU.

The immediate questions for the Council are, 1) Whether to pursue revisions now at all, and 2) If so, what process is appropriate to develop any potential changes?

Staff's recommendation depends on the nature of the changes being considered. A significant change, like considering imposing a limit on the number of VDUs, should include input from affected stakeholders in developing any significant revisions to the Ordinance. Thus staff recommends the Council create (or re-create) a VDU Ordinance Committee with appropriate stakeholder representatives. This Committee would be given clear direction from the Council on the scope of changes they are to consider, and would then work, with Staff support, to develop a recommendation on a revised Ordinance for the Council.

In this scenario, staff recommends the Council appoint two Council members to serve on this Committee. Those appointees, with staff support, would consider appropriate scope and makeup of the Committee, solicit interested parties, and return to the Council at the next meeting for approval of the final membership and scope of the Committee.

Public comment included:

Adora King – Trinidad

I don't want to see this re-hashed again, but the way it went through and how it impacted only one property owner is wrong. I support making changes that don't cause the process to be completely redone, but rather correct the problem associated with the mistake.

**Mike Reinman** – RCVR Owner, and affected property owner

I appreciate the Council listening to our concerns. The 4-plex does not have a negative impact on the community. It is good for the town. We ask that the Council consider language that excludes/accepts the apartment from being prohibited from renting multiple units as VDU's. The Coastal Commission claims that this change will be inconsequential, and that the process can be handled at the staff level.

City Clerk Adams read (3) letters submitted for Council consideration from the following individuals:

1. **Ange and Chantal Lobue**, Whalesong Vacation Rental Owners.
2. **Katherine Wayne**, Property Owner
3. **Gail Covney**, Vacation Rental Owner

Council comments included:

**Baker:** This is a data problem. The apartment complex is in an appropriate location, but is zoned single family for some reason. I don't know how many multi-family buildings exist in Trinidad either. I voted to keep this property 1 VDU per parcel to keep the permanent vs. vacation housing inventory healthy. The economics of VDU's make sense, and I'm concerned about trends that may affect Trinidad over the next 10 years. The issue needs to be enforced, but we need to get on a track that keeps the town from becoming Disneyland.

**Winnett:** I'm hesitant to re-open this issue, but willing to do what it takes to correct this immediate issue if the Council agrees to do so.

**West:** I support considering a VDU cap discussion ASAP, but before we discuss the bigger issues, I'm in favor of directing staff to work to correct the issue Reinman faces first. **Miller** agreed.

**Fulkerson:** I was recently contacted by a realtor asking if there was a cap yet. I want to preserve the fishing village characteristics of Trinidad, but yes, a village of rentals has its advantages: clean and maintained properties and low neighbor tensions are just a few of the trade-offs. I too currently have a VDU license.

**City Planner Parker** advised that staff should have time to develop the appropriate language that resolves Reinman's issue, but doesn't single out any property. **Berman** agreed.

*Motion #1 (Miller/West) to direct staff to draft language intended to correct the issue affecting the apartment complex, seek advise from Coastal Commission Staff, and if supported bring revisions back to Council for review to amend the current ordinance. **Passed unanimously.***

*Motion #2 (Miller/West) to appoint Councilmembers West and Winnett to form a focus group to review and advise recommendations for developing a VDU cap. **Passed unanimously.***

4. Discussion/Decision Regarding Creation of an Ad-Hoc Budget Committee.

City Manager Berman explained that staff will be preparing a draft budget for Fiscal Year 2015-2016 for presentation at the regular meeting in May. It would be helpful to have one or two Councilmembers to assist in preparing and reviewing the budget.

There was no public comment.

*Motion (West/Miller) to appoint Councilmembers Miller and Baker to assist the City Manager in budget preparation. **Passed unanimously.***

**XIII. ADJOURNMENT**

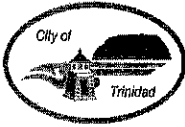
- Meeting ended at 9:40pm.

**Submitted by:**

**Gabriel Adams**  
City Clerk

**Approved by:**

**Julie Fulkerson**  
Mayor



## **CONSENT AGENDA ITEM 1**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:    8 PAGES**

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1.    Financial Status Reports for March 2015.

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Revenue  
From 3/1/2015 Through 3/31/2015

		Current Month	Year to Date	Total Budget - Original	% of Budge
Revenue					
41010	PROPERTY TAX - SECURED	0.00	42,149.90	90,035.00	(53.18)%
41020	PROPERTY TAX - UNSECURED	0.00	2,822.03	3,015.00	(6.40)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	50.00	100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	276.80	485.00	(42.93)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	109.96	200.00	(45.02)%
41071	MOTOR VEHICLES	0.00	143.18	1,240.00	(88.45)%
41072	PROP TX - BOOKING FEES	0.00	52.77	0.00	0.00)%
41100	PROPERTY TAX - INTEREST +	0.00	0.00	20.00	100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	622.90	667.00	(6.61)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	427.80	1,640.00	(73.91)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	874.50	1,450.00	(39.69)%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	(1,119.00)	(2,373.00)	(52.84)%
41200	LAFCO Charge	0.00	(1,204.69)	(380.00)	217.02)%
41210	IN-LIEU SALES & USE TAX	0.00	14,275.89	27,100.00	(47.32)%
41220	IN LIEU VLF	0.00	13,919.00	28,070.00	(50.41)%
42000	SALES & USE TAX	4,820.61	88,699.35	181,600.00	(51.16)%
43000	TRANSIENT LODGING TAX	0.00	96,708.21	126,000.00	(23.25)%
43100	TRANSIENT LODGING TAX-TBID	0.00	(24,983.54)	0.00	0.00)%
47310	VEHICLE LICENSE COLLECTION	0.00	150.75	0.00	0.00)%
53010	COPY MACHINE FEE	0.00	0.00	15.00	100.00)%
53020	INTEREST INCOME	134.42	1,486.88	13,000.00	(88.56)%
53090	OTHER MISCELLANEOUS INCOME	0.00	3,555.83	800.00	344.48)%
54020	PLANNER- APPLICATION PROCESSIN	0.00	13,346.73	5,000.00	166.93)%
54050	BLDG. INSP-APPLICATION PROCESSI	157.75	9,071.69	7,000.00	29.60)%
54100	ANIMAL LICENSE FEES	15.00	90.00	300.00	(70.00)%
54150	BUSINESS LICENSE TAX	250.00	11,777.00	9,900.00	18.96)%
54300	ENCROACHMENT PERMIT FEES	0.00	100.00	400.00	(75.00)%
56400	RENT - VERIZON	0.00	18,065.06	22,735.00	(20.54)%
56500	RENT - HARBOR LEASE	0.00	0.00	5,125.00	100.00)%
56550	RENT - PG& E	0.00	0.00	8,750.00	100.00)%
56650	RENT - SUDENLINK	0.00	3,814.75	4,825.00	(20.94)%
56700	RENT - TOWN HALL	510.00	4,160.00	7,000.00	(40.57)%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	65,000.00	100.00)%
	Total Revenue	5,887.78	299,393.75	608,669.00	(50.81)%



**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
201 - GFAdmin  
From 3/1/2015 Through 3/31/2015

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	200.00	2,100.00	2,500.00	16.00%
61000	EMPLOYEE GROSS WAGE	9,320.23	74,417.78	111,770.00	33.42%
61470	FRINGE BENEFITS	46.16	421.32	600.00	29.78%
65100	DEFERRED RETIREMENT	445.75	3,284.40	5,082.00	35.37%
65200	MEDICAL INSURANCE AND EXPENSE	397.38	7,112.36	10,068.00	29.36%
65300	WORKMEN'S COMP INSURANCE	53.50	730.10	4,471.00	83.67%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	22.00	339.00	750.00	54.80%
65600	PAYROLL TAX	738.87	6,009.21	8,939.00	32.78%
65800	Grant Payroll Allocation	(241.99)	(3,318.15)	(2,500.00)	(32.73)%
68090	CRIME BOND	0.00	700.00	455.00	(53.85)%
68200	INSURANCE - LIABILITY	5,000.00	11,355.05	8,830.00	(28.60)%
68300	PROPERTY & CASUALTY	0.00	3,555.50	4,280.00	16.93%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	20,000.00	100.00%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	2,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	5,921.65	33,036.32	45,000.00	26.59%
71410	BLDG INSPECTOR-ADMIN TASKS	202.60	3,759.44	8,000.00	53.01%
71510	ACCOUNTANT-ADMIN TASKS	709.12	9,382.47	11,050.00	15.09%
71620	AUDITOR-FINANCIAL REPORTS	0.00	12,285.00	12,285.00	0.00%
72000	CHAMBER OF COMMERCE	0.00	14,918.04	15,045.00	0.84%
74110	GRANT EXPENSE	0.00	37.90	0.00	0.00%
74200	REIMBURSED GRANT ADMIN EXP	0.00	0.00	(700.00)	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	195.00	3,482.50	5,700.00	38.90%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	500.00	100.00%
75170	RENT	650.00	5,850.00	8,190.00	28.57%
75180	UTILITIES	484.04	5,985.76	10,250.00	41.60%
75190	DUES & MEMBERSHIP	0.00	1,298.73	270.00	(381.01)%
75200	MUNICIPAL/UPDATE EXPENSE	77.59	3,371.59	5,700.00	40.85%
75220	OFFICE SUPPLIES & EXPENSE	88.65	2,501.73	6,000.00	58.30%
75240	BANK CHARGES	0.00	187.21	200.00	6.39%
75280	TRAINING / EDUCATION	0.00	395.00	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	8,134.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	663.25	100.00	(563.25)%
76110	TELEPHONE	126.36	1,229.19	1,550.00	20.70%
76130	CABLE & INTERNET SERVICE	294.40	2,452.28	4,900.00	49.95%
76150	TRAVEL	0.00	563.20	1,500.00	62.45%
78120	STREET LIGHTING	0.00	95.81	0.00	0.00%
78130	TRAIL MAINTENANCE	0.00	20.41	0.00	0.00%
78170	SECURITY SYSTEM	0.00	258.00	1,590.00	83.77%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,500.00	100.00%
	Total Expense	24,731.31	208,480.40	334,009.00	37.58%

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
301 - Police  
From 3/1/2015 Through 3/31/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	279.20	2,457.60	3,327.00	26.13%
65100	DEFERRED RETIREMENT	0.00	32.29	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	13.72	133.00	89.68%
65600	PAYROLL TAX	21.36	211.21	255.00	17.17%
75170	RENT	650.00	5,850.00	8,190.00	28.57%
75180	UTILITIES	168.64	1,340.62	2,485.00	46.05%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	7,560.00	88,085.00	91.42%
75350	ANIMAL CONTROL	113.00	1,017.00	1,925.00	47.17%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	1,000.00	100.00%
76110	TELEPHONE	79.01	781.40	1,630.00	52.06%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	102.19	0.00	0.00%
	Total Expense	<u>1,311.21</u>	<u>19,366.03</u>	<u>107,430.00</u>	<u>81.97%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
401 - Fire  
From 3/1/2015 Through 3/31/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	1,350.00	1,800.00	25.00%
75180	UTILITIES	0.00	372.09	1,150.00	67.64%
75190	DUES & MEMBERSHIP	0.00	0.00	35.00	100.00%
75280	TRAINING / EDUCATION	0.00	195.00	400.00	51.25%
75300	CONTRACTED SERVICES	144.00	1,644.00	25,160.00	93.47%
76110	TELEPHONE	13.54	163.49	300.00	45.50%
76140	RADIO & DISPATCH	0.00	0.00	450.00	100.00%
78120	STREET LIGHTING	0.00	36.13	0.00	0.00%
78140	VEHICLE FUEL & OIL	0.00	178.69	350.00	48.95%
78150	VEHICLE REPAIRS	0.00	211.68	2,500.00	91.53%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	7,820.08	10,500.00	25.52%
78190	MATERIALS, SUPPLIES & EQUIPMEN	9.66	878.08	2,500.00	64.88%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	100.54	400.00	74.86%
	Total Expense	<u>317.20</u>	<u>12,949.78</u>	<u>45,545.00</u>	<u>71.57%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
501 - PW (Public Works)  
From 3/1/2015 Through 3/31/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	3,302.55	29,348.32	40,126.00	26.86%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	330.96	2,901.82	4,296.00	32.45%
65200	MEDICAL INSURANCE AND EXPENSE	121.52	12,843.29	28,435.00	54.83%
65300	WORKMEN'S COMP INSURANCE	0.00	219.52	1,704.00	87.12%
65600	PAYROLL TAX	278.31	2,427.13	3,587.00	32.34%
65800	Grant Payroll Allocation	(28.47)	(2,913.71)	(500.00)	(482.74)%
71210	CITY ENGINEER-ADMIN. TASKS	868.50	4,672.75	4,800.00	2.65%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	6,000.00	100.00%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	20.75	0.00	0.00%
75180	UTILITIES	0.00	164.98	0.00	0.00%
75220	OFFICE SUPPLIES & EXPENSE	0.00	38.27	0.00	0.00%
75240	BANK CHARGES	0.00	15.00	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	311.15	41,000.00	99.24%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	450.00	100.00%
76110	TELEPHONE	0.00	56.70	0.00	0.00%
76160	LICENSES & FEES	0.00	460.00	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	102.39	2,878.98	5,000.00	42.42%
78120	STREET LIGHTING	391.39	3,253.05	4,000.00	18.67%
78130	TRAIL MAINTENANCE	0.00	113.86	2,500.00	95.45%
78140	VEHICLE FUEL & OIL	400.29	3,016.38	4,700.00	35.82%
78150	VEHICLE REPAIRS	15.00	85.88	2,500.00	96.56%
78160	BUILDING REPAIRS & MAINTENANCE	216.82	32,210.45	45,000.00	28.42%
78190	MATERIALS, SUPPLIES & EQUIPMEN	617.23	4,112.84	6,500.00	36.73%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	500.00	100.00%
	<b>Total Expense</b>	<u>6,616.49</u>	<u>96,237.41</u>	<u>201,098.00</u>	<u>52.14%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
601 - Water  
From 3/1/2015 Through 3/31/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
<b>Revenue</b>					
53020	INTEREST INCOME	0.00	0.00	4,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	240.00	5,909.06	2,500.00	136.36%
57100	WATER SALES	22,830.03	225,255.12	305,000.00	(26.15)%
57300	NEW WATER HOOK UPS	0.00	0.00	3,000.00	(100.00)%
57500	WATER A/R PENALTIES	741.68	7,297.25	2,000.00	264.86%
	<b>Total Revenue</b>	<b>23,811.71</b>	<b>238,461.43</b>	<b>316,500.00</b>	<b>(24.66)%</b>
<b>Expense</b>					
61000	EMPLOYEE GROSS WAGE	6,239.88	56,706.82	79,032.00	28.25%
61250	OVERTIME	0.00	0.00	2,000.00	100.00%
65100	DEFERRED RETIREMENT	699.36	6,337.57	9,081.00	30.21%
65200	MEDICAL INSURANCE AND EXPENSE	280.02	22,656.41	42,045.00	46.11%
65300	WORKMEN'S COMP INSURANCE	0.00	425.32	3,229.00	86.83%
65600	PAYROLL TAX	531.02	4,796.81	6,871.00	30.19%
65800	Grant Payroll Allocation	(14.23)	(6,022.12)	(1,000.00)	(502.21)%
68200	INSURANCE - LIABILITY	0.00	3,421.95	4,755.00	28.03%
68300	PROPERTY & CASUALTY	0.00	1,914.50	2,305.00	16.94%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	500.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	1,714.75	1,714.75	4,000.00	57.13%
71510	ACCOUNTANT-ADMIN TASKS	381.83	4,470.55	5,950.00	24.86%
71620	AUDITOR-FINANCIAL REPORTS	0.00	6,615.00	6,615.00	0.00%
72100	BAD DEBTS	0.00	0.00	350.00	100.00%
75180	UTILITIES	699.53	7,871.76	15,835.00	50.29%
75190	DUES & MEMBERSHIP	0.00	2,455.50	700.00	(250.79)%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	73.24	575.00	87.26%
75220	OFFICE SUPPLIES & EXPENSE	400.17	2,620.37	3,500.00	25.13%
75230	INTEREST EXPENSE	0.00	6.46	0.00	0.00%
75240	BANK CHARGES	0.00	0.00	150.00	100.00%
75280	TRAINING / EDUCATION	0.00	160.00	500.00	68.00%
75300	CONTRACTED SERVICES	0.00	0.00	7,000.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	250.00	100.00%
76110	TELEPHONE	89.76	762.57	1,000.00	23.74%
76130	CABLE & INTERNET SERVICE	61.95	430.85	620.00	30.51%
76160	LICENSES & FEES	0.00	634.24	2,475.00	74.37%
78120	STREET LIGHTING	0.00	1,576.32	0.00	0.00%
78140	VEHICLE FUEL & OIL	101.85	841.82	2,500.00	66.33%
78150	VEHICLE REPAIRS	0.00	1,476.61	2,000.00	26.17%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,200.00	100.00%
78170	SECURITY SYSTEM	0.00	255.25	500.00	48.95%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	1,610.44	6,000.00	73.16%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79100	WATER LAB FEES	320.00	2,388.00	4,500.00	46.93%
79120	WATER PLANT CHEMICALS	0.00	4,668.40	12,000.00	61.10%
79130	WATER LINE HOOK-UPS	0.00	0.00	3,000.00	100.00%
79150	WATER LINE REPAIR	0.00	5,164.65	20,000.00	74.18%
79160	WATER PLANT REPAIR	0.00	0.00	10,000.00	100.00%
90000	Capital Reserves	0.00	0.00	15,000.00	100.00%
	<b>Total Expense</b>	<b>11,505.89</b>	<b>136,034.04</b>	<b>276,038.00</b>	<b>50.72%</b>
	<b>Net Income</b>	<b>12,305.82</b>	<b>102,427.39</b>	<b>40,462.00</b>	<b>153.14%</b>

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
204 - IWM  
From 3/1/2015 Through 3/31/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
47650	RECYCLING REVENUE	0.00	5,196.12	5,640.00	(7.87)%
56150	FRANCHISE FEES	847.71	6,250.29	7,000.00	(10.71)%
	Total Revenue	847.71	11,446.41	12,640.00	(9.44)%
	Expense				
61000	EMPLOYEE GROSS WAGE	802.55	7,214.38	9,716.00	25.75%
65100	DEFERRED RETIREMENT	96.32	848.00	1,251.00	32.21%
65200	MEDICAL INSURANCE AND EXPENSE	33.70	3,464.59	7,302.00	52.55%
65300	WORKMEN'S COMP INSURANCE	0.00	54.88	344.00	84.05%
65600	PAYROLL TAX	68.76	605.42	767.00	21.07%
65800	Grant Payroll Allocation	0.00	(493.08)	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	273.00	500.00	45.40%
75250	TRANSIT SERVICES- HTA	0.00	4,468.00	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	40.80	1,074.63	1,000.00	(7.46)%
	Total Expense	1,042.13	17,509.82	21,380.00	18.10%
	Net Income	(194.42)	(6,063.41)	(8,740.00)	(30.62)%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
701 - Cemetery  
From 3/1/2015 Through 3/31/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
53020	INTEREST INCOME	0.00	0.00	900.00	(100.00)%
58100	CEMETERY PLOT SALES	5,756.50	10,534.83	7,500.00	40.46%
	Total Revenue	5,756.50	10,534.83	8,400.00	25.41%
	Expense				
61000	EMPLOYEE GROSS WAGE	1,015.25	9,123.71	12,210.00	25.28%
65100	DEFERRED RETIREMENT	121.84	1,078.84	1,585.00	31.93%
65200	MEDICAL INSURANCE AND EXPENSE	33.72	4,368.38	9,336.00	53.21%
65300	WORKMEN'S COMP INSURANCE	0.00	68.60	528.00	87.01%
65600	PAYROLL TAX	87.00	770.28	1,132.00	31.95%
65800	Grant Payroll Allocation	0.00	(663.80)	(50.00)	(1,227.60)%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	1,009.50	0.00	0.00%
75180	UTILITIES	42.12	423.01	700.00	39.57%
78190	MATERIALS, SUPPLIES & EQUIPMEN	482.16	3,642.46	1,000.00	(264.25)%
	Total Expense	1,782.09	19,820.98	26,441.00	25.04%
	Net Income	3,974.41	(9,286.15)	(18,041.00)	(48.53)%



## **CONSENT AGENDA ITEM 2**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:     6 PAGES**

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2.     Contract Renewal with Streamline Planning Consultants for City Planning Services



AGENDA ITEM

Date: May 13<sup>th</sup> 2015

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**Item: Contract Renewal with Streamline Planning Consultants for City Planning Services**

**Summary:** Our contract for planning services has expired and is in need of renewal. This contract is for two years, although either party can cancel with notice. This is the same contract, with revised dates and rate schedules, that was previously approved after review by PARSAC and our attorney.

**Staff recommendation:**

Authorize City Manager to sign contract with Streamline Planning Consultants for City Planning Services.

## AGREEMENT FOR PLANNING SERVICES

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the City of Trinidad, an incorporated City located within the County of Humboldt, State of California (hereinafter "City"); and Robert Brown, doing business as Streamline Planning Consultants (hereinafter "Planner").

1. Agreed Facts. This Agreement is made with respect to the following facts:

(a) Robert Brown, who is the manager of Planner, served as City Planner for City from July, 1989 to January 1, 2006. Thereafter, another employee of Planner, Trevor Parker, served as City Planner, and continues to so serve.

(b) Planner has rendered, and continues to render, services to City as City Planner under an agreement between the parties.

(c) City and Planner wish to reduce their existing agreement to writing.

2. Duration. City hereby retains Planner to perform planning services for City pursuant to this Agreement from July 1, 2015 until July 1, 2017 unless earlier terminated pursuant to the provisions of paragraph 4. Either party may elect to extend the duration of this agreement for two more years - until July 1, 2019. Any such election must be in writing and received no later than 60 days before the contract is scheduled to terminate.

3. Tenure and Status. Planner shall serve at the will and pleasure of the City Council of City and Planner expressly waives and disclaims any right to any pre-termination or post-termination notice and/or hearing, except as hereinafter provided. In providing services pursuant to this Agreement, Planner and its employees are an independent contractor and not an employee of City. City shall have no obligation to withhold taxes, provide workers' compensation coverage or unemployment insurance. Planner shall provide worker's compensation coverage for any employees performing work on City's behalf.

4. Termination. Either party may terminate this Agreement, with or without cause, by giving at least thirty (30) days' prior written notice of termination to the other party. Within a reasonable time after such termination, Planner shall be paid all amounts due on the effective date of termination. Upon termination, all finished and unfinished documents, data, studies, and reports prepared by Planner under this Agreement shall become City's property.

5. Duties. Planner shall perform such planning services for City as are required by law of a City Planner or are requested by the City Council of City and/or the City Manager, including, but not limited to, writing, administering and completing tasks for grants as requested by the City Manager or the City Council, meeting and conferring with applicants; processing applications, performing environmental review where appropriate; preparing staff reports and notices of determination; noticing public hearings; attending Planning Commission meetings and City Council meetings as requested by the City Council and/or City Manager; advising and consulting with staff and the City Council of City; and providing City with advice and counsel in oral or written form pertaining to municipal planning matters as requested by the City Council of City and/or its City Manager. Trever Parker shall be designated as City Planner and shall be responsible to report directly to the City Council of City and/or the City Manager. Trever Parker may only be replaced with advance, written consent of City.

6. Compensation and Reimbursement for Expenses. City will pay Planner for all planning and related clerical services of whatever nature computed on a time and materials basis in accordance with the Fee Schedule marked "Exhibit 'A'" and attached hereto. Included in this reimbursement will be costs advanced on the City's behalf including copying charges, postal expenses, mileage, charges for recordation and certification of documents and other reasonable and necessary expenses in accordance with the Fee Schedule marked "Exhibit 'A'" and attached hereto. Said Fee Schedule may only be changed by a written amendment to this agreement.

7. Billing. Planner shall submit a bill to City for all services and reimbursement covered by this Agreement within fifteen (15) days of the end of each calendar month. Such bill shall become due and payable upon receipt.

8. Other Clients. Planner may maintain an active planning practice or any other job, occupation, or profession, but Planner shall not represent clients in planning matters if representation of City would pose a conflict of interest for Planner. Any potential conflicts must be disclosed to the City. If a conflict cannot be avoided, Planner must assist City in finding an alternative Planner to handle the conflict matter.

9. Insurance. Planner shall obtain Professional Liability insurance for errors and omissions with a minimum limit of One Million Dollars (\$1,000,000) per claim. If coverage is written on a claims-made basis, the retroactive date shall precede the effective date of this Agreement and continuous coverage will be maintained or an extended reporting period will be exercised for a period of at least three (3) years from termination or expiration of this Agreement.

10. Services not Covered. It is expressly understood and agreed that Planner shall have no general responsibility for overseeing City operations or for planning services in connection with any matter that Planner is not specifically requested to undertake or is not required of Planner by reason of Planner's capacity as City Planner. It is also understood and agreed that City may obtain planning services from time to time from other planners concerning special matters.

11. Liability for Professional Negligence. Planner shall indemnify, protect, defend and hold harmless City and any and all of its officials, employees and agents ("Indemnified Parties") from and against any and all losses, liabilities, damages, costs and expenses, including attorney's fees and costs to the extent same are caused in whole or in part by any negligent or wrongful act, error or omission of Planner, its officers, agents, employees or sub-consultants (or any entity or individual that Planner shall bear the legal liability thereof) in the performance of professional services under this Agreement. The provisions of this section shall not release City from liability arising from gross negligence or willful acts or omissions of City or any and all of its officials, employees and agents.

12. Contract Terms Are Exclusive. This written agreement contains the sole and entire agreement between the parties. It supersedes any and all other agreements between the parties. The parties acknowledge and agree that neither of them has made any Agreement or any representation including the execution and delivery hereof except such representations as are specifically set forth herein, and each party acknowledge that it has relied on its own judgment entering into this Agreement.

13. Waiver or Modification Ineffective Unless in Writing. No waiver or modification of this Agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.

14. Contract Governed by Laws of State of California. This Agreement and performance hereunder and all suits and special proceedings hereunder shall be construed in accordance with the laws of the State of California. In any action, special proceeding, or other proceeding that may be brought arising out of, in connection with, or by reason of this Agreement, the laws of the State of California shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction in which the action or special proceeding may be instituted.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate on the date and year first above written and make it effective on July 1, 2015.

Robert Brown dba  
Streamline Planning Consultants

CITY OF TRINIDAD

By: Robert Brown  
Robert Brown

Mayor

Attest:

City Clerk



• PLANNING • PERMITTING • ENVIRONMENTAL CONSULTING

**EXHIBIT "A"**  
**CITY OF TRINIDAD**  
**RATE AND CHARGE SCHEDULE**  
Effective July 1, 2015

Services provided by this firm are billed on the basis of the following rates, equipment and materials charges:

**Field and Office Rates:**

<u>Classification</u>	<u>Rate/Hour</u>
<u>City Planner</u> –for City generated projects and <b>Initial</b> 3-hours of private application processing	\$60.00
<u>City Planner</u> –for grant projects and <b>after</b> 3-hours of private application processing	\$80.00
<u>Associate City Planner</u> –for City generated projects and <b>Initial</b> 3-hours of private application processing	\$50.00
<u>Associate City Planner</u> –for grant projects and <b>after</b> 3-hours of private application processing	\$63.00
<u>Assistant City Planner</u> –for City generated projects and <b>Initial</b> 3-hours of private application processing	\$40.00
<u>Assistant City Planner</u> –for grant projects and <b>after</b> 3-hours of private application processing	\$50.00
<u>Project Analyst I/ Planner I/Drafter I</u>	\$34.40
<u>Clerical/Typist/Data Entry</u>	\$32.00

**Equipment and Materials:**

Laser Level	\$35.00/day
Sound Meter/Light Meter	\$20.00/day
Traffic Counter	\$60.00/day
Water Quality Sampling Equipment	\$15.00-\$30.00/day
Mapping GPS Equipment	\$60-\$85/day
Vehicle Mileage	\$0.75/mile
In House Color Copies	\$1.50 ea.
Plotter Prints, color (typ.)	\$15.00/page
In House Copies	\$0.25 ea.

**Outside Services and Consultants:**

Fees for direct project costs, including outside printing and reproduction, permit fees, rentals, travel and copying expenses, materials, documents, shipping costs, and other related expenses and fees for outside consultants retained by Streamline Planning Consultants are billed at cost plus 10 percent.



## **CONSENT AGENDA ITEM 3**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:     4 PAGES**

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3.     Contract Amendment with GHD for ASBS Stormwater Project for Construction Management Services.

## **CONSENT AGENDA ITEM**

**Date: May 15, 2015**

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**Item: AGREEMENT AMENDMENT No. 2 WITH GHD INC. FOR ASBS  
STORMWATER PROJECT CONSTRUCTION MANAGEMENT**

**Background:** The City entered into an agreement with GHD for assistance with the Trinidad ASBS Stormwater Management Improvement Project on October 13, 2011. In September 2014, Amendment No. 1 was approved to increase the budget by \$25,000 to compensate GHD for additional work required to address utility conflicts and negotiate Construction Contract Change Order No. 1. Though now complete, construction continued through March this year, several months longer than planned. GHD is requesting Amendment No. 2 to increase the budget by an additional \$13,900 to compensate for additional work required to address the contract change order No. 2 and completion of the project through March 2015.

GHD Memo Budget Amendment Request dated May 6, 2015 includes details about the requested budget increase.

**Staff Recommendation:**

1) Authorize City Manager to sign the Agreement Amendment No. 2 with GHD Inc.

**Attachments:**

- GHD Budget Amendment Request Memo
- GHD Agreement Amendment No. 2 for Construction Management





## Memorandum

May 6, 2015

To: Dan Berman, Trinidad City Manager

Cc: Rebecca Price-Hall, Trinidad Grants Manager

From: Steve Allen, Rebecca Crow, Tyler Duncan

Tel: 707-443-8326

Subject: Budget Amendment Request – ASBS Project

Job no.: 01063-11-005

The purpose of this memo is to request and justify the need for a second budget amendment to the Scope of Services Agreement that was approved on October 13<sup>th</sup>, 2011 between GHD and the City. Amendment No. 1 was agreed upon in September, 2014, to compensate GHD for additional work required to address utility conflicts found during construction and increased the budget under Task 9, Construction Management, by \$25,000.

Construction was scheduled to be completed last fall, but has continued through March of this year. While construction was not ongoing the entire winter, there have been ongoing items that required GHD's construction management time that culminated with a second contract change order for the contractor. This memo summarizes our extra work that occurred after the first amendment was approved last fall through project completion this spring. The extra work performed was not directly out of scope, which was the same situation with the extra work covered in the first amendment. The extra work simply put was extra time and effort needed to complete the scope of services through the end of the project. It is not possible to know how much time and effort will be necessary to oversee a specific construction project. Therefore it is common to provide construction related services on a time and materials basis. We make reasonable assumptions, such as the length of time anticipated for construction, and past experience with similar projects to estimate effort. For grant funded projects such as this one, this estimate is often done years ahead of time prior to the project being designed and contractors selected. The construction management is one line item in the larger grant which we helped to estimate. While the budget for this one task was off, our estimated effort for this task would likely have been adequate if construction had been completed when anticipated. We are happy with our overall estimate of the project as the project is now substantially complete and within the overall grant budget.

GHD's budget to provide assistance on this project under the current contract was depleted at the end of December 2014, and GHD is requesting an increase in the budget under Task 9 for additional construction management services and site inspection associated with extra work approved by the City for the completion of the bioswales on Ocean Avenue and West Street and the additional time needed to complete the project. We had planned for construction to be completed in 2014 and the Notice of Completion was filed with the County of April 1, 2015. This effort is described in greater detail below:

### Task 9 Const. Management

Because the project took longer than anticipated to complete, effort was expended reviewing additional contractor payment requests. Additionally, GHD spent time preparing project update memos to the City on a monthly basis, as required by the grant, which would not otherwise have needed to be prepared had the project been completed on schedule.

Meetings and correspondence between GHD, Wahlund Construction, and the City of Trinidad were conducted through April 2015 to oversee maintenance of the bioswales, negotiate and approve installation of soil nails and to finalize the overall construction portion of the project. Effort was also expended to review estimates from the Subcontractor, schedule the work, and oversee the installation. Site inspection complied with prevailing wage rates. Presence onsite was required because installation of



the soil nails was conducted as force account work since the subcontractor's lump sum quotes for the work were much higher than was expected. GHD reviewed invoices for this extra work from the product manufacturer and Miller Farms to ensure that costs associated with the extra work were billed appropriately and in accordance with contract requirements. Review of invoices for this extra work took longer than expected due to the Contractor originally providing incomplete invoices, then finding that the Subcontractor was including an unacceptable mark-up for the work and requiring submittal of revised invoices for proper project billing and tracking. The invoices were corrected and the work was billed in accordance with the Contract requirements.

Generally this project has taken longer than anticipated to complete and GHD has continued to provide construction management services as needed to complete the project. To date, GHD is \$18,900.28 over our approved contract amount of \$905,900. GHD is requesting an additional contract amendment of \$13,900 to cover most of our work to date. GHD is proposing to write off the remaining \$5,000.28. As this project is now complete, this is the last amendment GHD will request as part of this project.

If you have any questions, please let us know.

Regards,

A handwritten signature in dark ink, appearing to read "S. Allen", written over a horizontal line.

Steven Allen  
Project Manager

GHD Project No. 0106311005

**Amendment to  
Agreement between Client and Consultant**

Amendment No. 2 to Scope of Services Agreement approved on October 13, 2011 between GHD Inc. (Consultant; formally Winzler & Kelly) and City of Trinidad (Client).

Project: Assistance with the Trinidad Head Area of Special Biological Significance (ASBS) Stormwater Management Improvement Project.

Client hereby requests and authorizes Consultant to perform additional and/or revised services as set forth in this Amendment.

Scope of services as set forth below or in specified attachment(s).

Budget adjustment to provide additional effort for scope of services defined in Task 9 Construction Management due to additional work required to address the contract change order number two and completion of the project through March 2015.

Task Description	GHD's Original Budget	GHD's New Budget (revised)
Task 9 Construction Management	\$ 88,500	\$ 127,400
<b>Total Budget</b>	<b>\$ 880,900</b>	<b>\$ 919,800</b>

Terms of compensation as set forth below or in specified attachment(s).

A total of \$13,900 shall be added to the original budgeted amount of \$88,500 and the \$25,000 previously added for Task 9 through Amendment No. 1. The new total budget for Task 9 shall be \$127,400 and the new total contract budget shall be \$919,800.

All provisions specified in the original Master Services Agreement dated 5/20/08 and the Scope of Services Agreement approved on 10/13/11 are in effect. No other agreements, guarantees, or warranties are in effect.

IN WITNESS WHEREOF, the parties hereby execute this amendment upon the terms and conditions stated above.

Client City of Trinidad

Consultant GHD Inc.

By \_\_\_\_\_

By SA

Print Name Dan Berman

Print Name Steven Allen

Title City Manager

Title Service Group Manager

Date \_\_\_\_\_

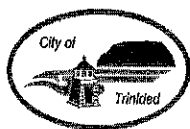
Date May 6, 2015

Original Agreement \$880,900

Amendment No. 1 \$25,000 (increased)

Amendment No. 2 \$13,900 (increased)

TOTAL \$919,800



## **CONSENT AGENDA ITEM 4**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES**

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4. Resolution 2015-01; Authorizing the Trinidad Volunteer Fire Department to Participate in the Federal Excess Property Program

**TRINIDAD CITY HALL**  
P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

**Julie Fulkerson, Mayor**  
**Gabriel Adams, City Clerk**



**RESOLUTION 2015-01**

**NON-INCORPORATED RESOLUTION AUTHORIZING APPLICATION FOR FEDERAL EXCESS  
PERSONAL PROPERTY IN ACCORDANCE WITH THE UNITED STATES FOREST SERVICE  
COOPERATIVE FORESTRY ASSISTANCE ACT (CFAA) OF 1978**

**WHEREAS**, there is a need for Federal excess Personal Property to help fight wildland, rural, structure or other fires in the County, and in the City of Trinidad; and

**WHEREAS**, the loan of certain Federal Excess Personal Property as described in California Department of Forestry and Fire Protection, Materials Management Handbook, section 2700 & 2782, in accordance with US Forest Service Cooperative Assistance Act (CFAA) of 1978 is available for local agencies,

**NOW THEREFORE, BE IT RESOLVED**, that the City of Trinidad Volunteer Fire Chief is hereby authorized on behalf of the City of Trinidad to enter into and agreement with the State of California, Department of Forestry, for the loan of Federal Excess Personal Property. A copy of said Agreement is attached hereto and made a part hereof, and said Fire Chief is hereby authorized to sign the Agreement for the City of Trinidad.

**PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL** of Humboldt County of the State of California on Wednesday, May 13, 2015.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

**Attest:**

**Gabriel Adams**  
Trinidad City Clerk

**Julie Fulkerson**  
Mayor



DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
Business Services – Federal Property Unit

P.O. Box 944246  
Sacramento, CA 94244-2460  
(916) 323-0870  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



March 26, 2015

Chief Tom Marquette  
Trinidad Volunteer Fire Department  
P.O. Box 390  
Trinidad, CA 95570

RECEIVED APR 02 2015

Agreement #: 991208

Dear Chief Marquette:


Hugh Scanlon is the new Cal Fire Unit Chief, for Humboldt-Del Norte Unit which makes your current Cooperative Agreement for Federal Excess Personal Property (FEPP), invalid due to this signatory change. Currently you have no property as indicated on Attachment A. Please review for accuracy, sign on page three (3), return original signature copy of agreement to me for processing at the address below.

CAL Fire Business Services  
Federal Property Unit  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Attn: Velma Bermudez

I have enclosed both of our generic Resolution, if these are not applicable, please have your governing powers draft something similar on their letterhead and submit instead. The Resolution is part of the terms and conditions of this Cooperative Agreement.

If you choose not to participate in the program any longer, please let me know and I will close your file.

If you have any questions or concerns, please contact me.

  
VELMA BERMUDEZ  
State FEPP Coordinator  
[Velma.Bermudez@fire.ca.gov](mailto:Velma.Bermudez@fire.ca.gov)  
(916) 323-0870

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF FORESTRY AND FIRE PROTECTION

COOPERATIVE AGREEMENT FOR THE LOAN OF  
FEDERAL EXCESS PERSONAL PROPERTY (FEPP)  
Under the United States Forest Service Cooperative Forestry Assistance Act (CFAA) of 1978

This agreement is entered into by and between

THE STATE OF CALIFORNIA  
DEPARTMENT OF FORESTRY AND FIRE PROTECTION

AND

**TRINIDAD VOLUNTEER FIRE DEPARTMENT**

This agreement for the **LOAN** of Federal Excess Personal Property (FEPP) through the US Forest Service made and entered into this       day of       , 20       , by and between the State of California acting by and through the Director of the Department of Forestry and Fire Protection, hereinafter called the STATE, and the **Trinidad Volunteer Fire Department** hereinafter called the Local Fire Department, covenants as follows:

- A. WHEREAS, the State has been approved as an agent of the US Forest Service for the purpose of administering the Cooperative Forestry Assistance Act of 1978 (PL 95-313) Rural Fire Protection Program, hereinafter referred to as CFAA, and
- B. WHEREAS, the control of timber, grass and wild land fires in, and adjacent to, suburban areas is essential to an effective forest fire control program, and
- C. WHEREAS, the Local Fire Department is actively engaged in the prevention and suppression of all fires in and adjacent to suburban areas, and
- D. WHEREAS, the CFAA provides for the loan of FEPP available for use by the Local Fire Department to carry out this function if additional property is available, and
- E. WHEREAS, it has been determined to be advantageous to the STATE in the proper discharge of its responsibilities, to make certain FEPP available to the Local Fire Department.

NOW, THEREFORE, it is mutually agreed that, effective as the date shown above:

1. The STATE will **LOAN** to the Local Fire Department FEPP described in **Attachment A** under the following terms and conditions:

- A. FEPP primary use must be 90% for fire. The Forest Service FEPP program is not intended for Urban Safety and Rescue (USAR), medical or hazardous material responses on a daily basis.
- B. All such FEPP loaned shall be for an indefinite period of time, unless cooperator is negligent of program regulations. The agreement may be terminated by either party after giving notice 180 days in advance of such termination to the other party.
- C. Ownership shall remain with the US Forest Service and vehicle must be registered within thirty (30) days of taking possession, with DMV. Registered Owner shall be the Local Fire Department and Lien Holder to all vehicles and rolling stock shall be USDA Forest Service, PO Box 944246, Sacramento, CA 94244-2460.
- D. The Local Fire Department shall complete a resolution of incorporation or non-incorporation, or a statement from their governing board approving participation, **and** proof of insurance in the form of an insurance policy or a self-insured statement on Board of Supervisors letterhead. Drivers shall take the necessary equipment training and have a valid California operator license to operate the loaned vehicle(s).

- E. Ownership of all accessories, tools, light bars, sirens and equipment which is added to the loaned property remains with the Local Fire Department and must be removed prior to return of the property to the US Forest Service.
  - F. The Local Fire Department shall paint all rolling stock to match existing department equipment and apply their department logo.
  - G. The Local Fire Department shall identify the property with a National Finance Center (NFC) property tag, provided by your sponsoring unit, so as to identify and trace it as Federal owned property.
  - H. The Local Fire Department shall be responsible for the proper care, maintenance, security, and storage of the property.
  - I. Amendments to this agreement must be submitted to your sponsoring unit, listed below, within 30 days of acquisition or disposal of loaned property listed on Attachment A.
  - J. FEPP cannot be sold, loaned, traded, cannibalized, modified, transferred or disposed of in any manner without the State and US Forest Service Property Management Officer (PMO) approval.
  - K. The State and the Local Fire Department shall maintain formal accountability records for all FEPP on loan to the Local Fire Department; such property shall be made available at all times for a physical inventory by State and US Forest Service personnel.
  - L. When any FEPP is loaned to the Local Fire Department hereinafter, is lost, stolen, worn out, not needed, or involved in an accident, the sponsoring **CAL FIRE Humboldt-Del Norte Unit**, located at **118 S. Fortuna Boulevard, Fortuna, CA 95540**, shall be contacted for proper documentation and handling.
2. In the event that all of, or any one or more pieces of FEPP; provided to the Local Fire Department hereunder assigned, is lost, stolen, sold, damaged, destroyed or unavailable for its purposes intended hereunder, and is clearly established that such assignment or loss occurred while or as a result of a use other than stated in the terms and conditions above, then the State shall have the right and the obligation to retake such FEPP and/or assess the Local Fire Department for damages; if gross negligence is declared, up to the current market value immediately prior to such assignment, loss or destruction, established by the US Forest Service, for each piece of FEPP.
3. In the event of any dispute over FEPP **loaned** equipment or any terms or conditions contained herein, the dispute shall be decided by the State and its decision shall be binding and final.
4. The parties hereto agree that the Local Fire Department, their officers, employees, agents, servants, contractors, volunteers, paid firefighters, and all others acting on behalf of the Local Fire Department, performing under the terms of this agreement, are not acting as officers, employees or agents of the State or the Federal Government.
5. The Local Fire Department agrees to defend, indemnify, save and hold harmless the State as defined herein, and the Department of Forestry and Fire Protection, their officers, agents and employees against any and all claims, demands, causes of action or liability of any kind whatsoever arising out of the acts of the Local Fire Department, its agents or employees in the performance of any function provided for under the terms of this agreement or the use of property furnished.
6. The period of this agreement is for five (5) years from the date of last signature on page three (3) and entered on page one (1), if no violations or signatory changes occur. The agreement shall be **reviewed** biennially (every two years) for compliance by a CAL FIRE Administrative Officer during the physical inventory process and automatically extended if no violations or changes have occurred, not to exceed the five (5) year term.



7. During the five (5) year term of this agreement, at the option of the State, it may be terminated for any material breach by the Local Fire Department for any terms herein.
8. The mailing address of the parties hereto, for all notices, payments, repayments or any other activity required or contemplated under the terms of this agreement, except for eventual disposition of property in Attachment A, Item No. 1 are:

LOCAL FIRE DEPARTMENT: **Trinidad Volunteer Fire Department**

Contact:

Physical Address: **409 Trinity Street**

Mailing Address: **P.O. Box 390**

City: **Trinidad** Zip: **95570**

Telephone: **(707) 677-0223**

Cell::

Fax:

Email Address:

**Department of Forestry and Fire Protection (CAL FIRE)**

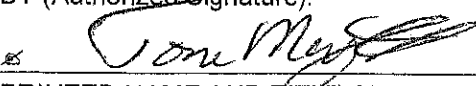
PO BOX 944246



SACRAMENTO, CA 94244-2460

Attn: Business Services Office – Federal Property Unit

(916) 324-1177

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement as of the day and year of the last signature below.

<b>LOCAL FIRE DEPARTMENT</b>	
NAME OF FIRE DEPARTMENT:	
<b>TRINIDAD VOLUNTEER FIRE DEPARTMENT</b>	
BY (Authorized Signature): 	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING:	
<b>TOM MARQUETTE, Fire Chief</b>	

<b>STATE OF CALIFORNIA</b> <b>Department of Forestry and Fire Protection</b>	
BY (CAL FIRE Unit Chief): 	DATE SIGNED:
PRINTED NAME AND UNIT OF PERSON SIGNING: <b>HUGH SCANLON, Humboldt-Del Norte</b>	
BY (CAL FIRE HQ FEPP Property Manager): 	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING: <b>Marie Ramos, FEPP Property Manager</b>	

Rev. June 2014

**SIGN  
HERE**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

COOPERATIVE AGREEMENT FOR THE LOAN OF  
FEDERAL EXCESS PERSONAL PROPERTY (FEPP)  
Under the United States Forest Service Cooperative Forestry Assistance Act (CFAA) of 1978

**ATTACHMENT A**

**TRINIDAD VOLUNTEER FIRE DEPARTMENT**

	ITEM:	SERIAL #:	PROPERTY #
1.	NO PROPERTY AT THIS TIME		
2.			
3.			
4.			
5.			
6.			
7.			



## **CONSENT AGENDA ITEM 5**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:    1 PAGES**

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5.    May, June, & July City Council Meeting Schedule.

## CONSENT AGENDA ITEM

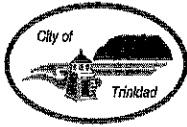
Regular City Council Meeting: Wednesday, May 13, 2015

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Item: May, June, & July City Council Meeting Schedule

**Background:** Due to summer scheduling conflicts and the upcoming Fiscal Year budget approval season, the following meeting schedule is proposed:

- Special Draft FY 2015-2016 Budget Workshop Meeting, **Wednesday, May 20, 2:00- 4:00pm**
- CANCEL Regular Meeting June 10, 2015.
- Special Meeting, **Tuesday, June 30, 2015 at 6:00pm.** (Budget approval, etc.)
- Possibly cancel July 08 regular meeting or reschedule if necessary.



## **DISCUSSION AGENDA ITEM 1**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:     1 PAGES**

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1.     Resolution 2015-03; Acknowledging the Public Service of Planning Commissioner Gale Becker.



**RESOLUTION 2015-03**

**ACKNOWLEDGING THE PUBLIC SERVICE OF GALE BECKER**

**WHEREAS**, Gale Becker served as a Trinidad City Planning Commissioner from 2010 through 2014; and

**WHEREAS**, Gale Becker has contributed thoughtfully, with careful consideration, wisdom, unflinching courtesy, to many issues and development projects that have faced the City of Trinidad during her time served on the Commission, including, but not limited to:

- Ongoing General Plan Update Process and Background Research
- Development of the Vacation Dwelling Unit Ordinance
- Development of the Accessory Dwelling Unit Ordinance
- Implementation of the OWTS Ordinance
- Gateway Enhancement Project
- Library, Museum, & Park Construction Project
- Trinidad School Modernization Project
- ASBS Stormwater Permit Project
- State Park Vegetation Management Project
- Lighthouse Grill Building & Murphy's Market Marquee Project
- Community Banner Project
- Tsunami Sign and Siren Projects

**WHEREAS**, Gale Becker attended many Planning Commission meetings, study sessions, and participated challenging decisions that required careful consideration of conflicting view points, always adding balance; and

**NOW, THEREFORE IT BE RESOLVED, THAT** the City Council of Trinidad congratulates and thanks Gale Becker for her years of whole-hearted and dedicated service to the citizens of Trinidad and to the future well-being of the community.

**PASSED UNANIMOUSLY AND ADOPTED BY THE TRINIDAD CITY COUNCIL** of Humboldt County of the State of California this 13<sup>th</sup> day of May.

**Attest:**

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

\_\_\_\_\_  
**Julie Fulkerson**  
Mayor



## **DISCUSSION AGENDA ITEM 2**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:     4 PAGES**

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- 2     Discussion/Decision Regarding Appointment of Planning Commssioner to fill the vacant position through December 2016

## DISCUSSION AGENDA ITEM

Wednesday, May 13, 2015

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**Item:** Discussion/Decision Regarding Planning Commissioner Appointment.

**Background:** The recent resignation of Commissioner Gale Becker has left the Commission with one vacant position for a term through December 2016.

As of the Friday, May 01 deadline, the city received (2) letters of interest for (1) vacant position. One letter is from resident Kathleen Lake, and the other from Elaine Weinreb, a non-resident who resides in Westhaven. Under the current ordinance, the Planning Commission is allowed (2) non-residents to serve under certain conditions, as described below...

*In the event there are no acceptable applicants from within city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon.*

**Recommended Action:** Appoint (1) member to the Planning Commission for the remaining term through December 2016.

**Attachments:**

- (2) Letters of Interest



April 16, 2015

COPY

RECEIVED APR 16 2015

Dear Members of the Trinidad City Council:

I understand that the City allows up to two members of the Greater Trinidad Area to serve on the Planning Commission even if they live outside of the city limits.

I also understand the terms of two or three members of the existing Planning Commission will be up in December.

If there is an opening on the Commission that is not filled by a Trinidad resident, I would be willing to serve on the Commission.

I have lived in Westhaven for 30 years, and been a homeowner for most of that time. I have a degree in Planning (BA in Environmental Studies & Planning, 1979) from Sonoma State University. I worked as an Environmental Planner and Transportation Planner for Caltrans until 1992, and was a specialist in CEQA. I also did an internship for the City of San Rafael.

I was also a freelance journalist for many years, writing for the McKinleyville Press and the Humboldt Advocate (both now defunct). As part of my beat, I covered the Trinidad City Council and became familiar with its many issues.

I left journalism to serve on the Humboldt County Grand Jury in 2012-13 and 2013-14. That period of service is now over, and I am eager to continue helping the community in a way compatible with my skills.

I currently volunteer at the Trinidad Library, and am a member of the Trinidad Coastal Land Trust. I have discussed my interest in the Planning Commission with two Councilmembers and was encouraged by both to apply.

You can reach me at (707) 677-0920 or at [elreb@suddenlink.net](mailto:elreb@suddenlink.net)  
My mailing address is P.O. Box 427, Trinidad CA 95570.

Elaine Weinreb

Kathleen Lake  
435 Ocean Avenue  
P.O. Box 1164  
Trinidad CA 95570

April 20, 2015

Trinidad City Council  
P.O. Box 390  
Trinidad, CA 95570

COPY

RECEIVED APR 22 2015

Dear City Council Members,

I am writing at this time to let you know that I am interested in the open position on the Trinidad City Planning Commission. I currently reside at 435 Ocean Avenue and my husband and I have lived in Trinidad for the past thirteen years. We previously lived in Ferndale and have been living on the Humboldt North Coast for a total of sixteen years.

I currently enjoy my work as a full time Speech-Language Pathologist for the Northern Humboldt Union High School District. I have held this position for the past twelve years. Prior to returning to work as an Speech-Language Pathologist I worked for seven years as a secondary school administrator. I have practiced Speech-Language Pathology for over twenty-five years in the schools, hospitals and private practice. I continue operate a private practice business as a Licensed Speech-Language Pathologist to provide a service for a variety of needs in our community and other locations. I hold a Masters of Science in Speech Language Pathology, and Credentials in Rehabilitative Services, Educational Administration and Special Education and Early Childhood Education.

Our family enjoys being active with service in the Trinidad community. In the past I have been an active member of the Trinidad Volunteer Fire Department, I continue to keep updated with my First Responder training, and although I have not been active for several years, I maintain my training to provide services when they may be needed. I also was a long time member of the Board of Trustee's for the Trinidad Land Trust, and held the office of President for the Trinidad Land Trust. I belong to the Episcopal Church, St. Mary and Martha's and support the community other ways by participating in community events and decision making processes.

7

My interest in serving on the Trinidad Planning Commission at this time stems from my interest in the ongoing planning and development of the Trinidad community. As a family we enjoy all of the activities that our area has to offer including; surfing, kayaking, long distance cycling, beaches, hiking and running the trails. We also enjoy our community resources such as the library, restaurants, museum and aquarium. My son currently lives in town, volunteers on the TVFD and for the past ten years has been a tenant in a long term Trinidad rental. Both of my daughters have also been long term renters over the years in Trinidad and have been employed at various locations in town. I understand the needs of a variety of community members and what the future needs may be. We also have two young grandchildren who are growing up close to us and also enjoy the Trinidad community and I hope to be of service on the planning commission to support the town development for next generation of Trinidad residents.

I feel my experiences living and working and playing in this community over the past thirteen years have provided me with the needed perspective to understand and work together toward common goals and processes to provide planning for Trinidad into the future. My collaborative team work as a Speech-Language pathologist in the assessment, development of goals and implementation of services has given me a seasoned understanding of how to work together for a common goal. My experiences in Educational Administration provided me with a depth and breadth of process and law for a variety of disciplines. My experiences as a fire fighter have allow me to provide needed service to families and neighbors at a time of crisis, with a good understanding of Emergency Management Service and planning. My service and work with the Trinidad Land Trust has given me the opportunity to work with a variety of agency and local residents in the planning and strategic planning in conservation and land use for the North Coast.

I look forward to hearing from you regarding the position for Trinidad City Planning Commission.

Thank you,

Kathleen Lake



## **DISCUSSION AGENDA ITEM 3**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:    29 PAGES**

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3.    Introduction/Discussion Regarding Draft Stormwater Ordinance.

## **DISCUSSION AGENDA ITEM**

**Wednesday, May 15, 2015**

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### **Item: Introduce Draft Stormwater Ordinance 2015-01**

#### **Requirement to establish legal authority to regulate stormwater.**

As reported at the April City Council Meeting, the City's MS4 (Stormwater Discharge) Permit Element 6 (E. 6) requires the City to establish legal authority to regulate stormwater and pollution discharge to protect water quality within the Trinidad Bay Area of Special Biological Significance. Adoption of the attached draft Stormwater Ordinance provides the City legal authority to control pollutant discharges into and from its storm water drainage facilities (MS4). Locally, the County and Cities of Arcata, Eureka and Fortuna are all subject to the MS4 Permit requirements and have all adopted or will adopt similar ordinances. Stormwater Program Staff of these municipalities have been working collaboratively to promote a regional approach in implementing the MS4 permit requirements.

Background: In October 2004, the State Water Resources Control Board (SWRCB) notified the City of Trinidad of the requirement for dischargers to cease stormwater and nonpoint source waste discharges into the Trinidad Head Area of Special Biological Significance. SWRCB granted an exception to the discharge prohibition (General Exception) in 2012, and in July 2013, the City gained coverage for the stormwater discharge under the Phase II Small Municipal Separate Stormwater System (MS4) National Pollutant Discharge Elimination System (NPDES) General Permit No. S000004 Order No. 2013-0001-DWQ (MS4 Permit). The MS4 Permit requirements phase in over 5 years.

The attached draft Storm Water Ordinance includes two new chapters for Title 13 Public Services: 13.16 and 13.20; and an amendment to Chapter 15.16 Grading in Title 15 Buildings and Construction. The draft ordinance meets the requirements of the MS4 Permit. These sections are described below.

#### **Title 13: Public Services**

##### **Section 1. Chapter 13.16 Storm Water Quality Management and Discharge Control:**

The purpose of this chapter is to reduce pollutants in storm water discharges and prohibiting non-storm water discharges to the City's stormwater drainage facilities. The ordinance language is based on the permit language and ordinance language from other municipalities subject to the MS4 Permit requirements.

##### **Section 2 Chapter 13.20 Water Efficient Landscape Design Requirements**

The purpose of this chapter is to identify landscape standards that minimize water use and encourage stormwater management within landscape areas. This chapter was adapted from the State Model Water Efficient Landscape Ordinance by AHBL consultants to address barriers to the MS4 Permit's post construction/low impact development requirements identified in AHBL's gap analysis of the City's municipal code.

#### **Title 15 Building and Construction**

##### **Section 3 Amending 15.16.210 Grading Specifications**

The grading specifications will be amended to add "stormwater bioretention facilities" to the drainage provisions.

**Recommended Action:**

Review and discuss the attached draft Stormwater Ordinance. No action needed.

**Attachments:**

- Stormwater Ordinance 2015-01

## **Draft Ordinance 2015-01**

### **Stormwater Control Ordinance**

#### **ORDINANCE ADDING NEW CHAPTERS 13.16 AND 13.20 TO TITLE 13 PUBLIC SERVICES AND AMENDING CHAPTERS 15.16.210 GRADING SPECIFICATIONS TO TITLE 15 BUILDINGS AND CONSTRUCTION**

**Section 1.** A new Chapter 13.16 is hereby added to Title 13 Public Services of the City of Trinidad Code (City Code). This Chapter shall be known as the "Stormwater Quality Management and Discharge Control Ordinance" of the City of Trinidad, and shall be so cited, and which shall read in its entirety; as follows:

### **CITY OF TRINIDAD**

#### **CHAPTER 13.16**

#### **STORM WATER QUALITY MANAGEMENT AND DISCHARGE CONTROL**

**Sections:**

- 13.16.010 Purpose and intent**
- 13.16.020 Definitions**
- 13.16.030 Applicability**
- 13.16.040 Responsibility for administration**
- 13.16.050 Severability**
- 13.16.060 Regulatory consistency**
- 13.16.070 Ultimate responsibility of discharger**
- 13.16.080 Prohibition of illicit discharges**
- 13.16.090 Prohibition of illicit connections**
- 13.16.100 Waste disposal prohibitions**
- 13.16.110 Requirements for reducing pollutants in storm water**
- 13.16.120 Adoption of best management practices**
- 13.16.130 Post-Construction Requirements**
- 13.16.140 Regulated Projects**
- 13.16.150 Minimum Performance Requirements**
- 13.16.170 Requirement to eliminate illicit discharges**
- 13.16.180 Requirement to eliminate or secure approval for illicit connections**
- 13.16.190 Watercourse protection**
- 13.16.200 Requirement to remediate**
- 13.16.210 Requirement to monitor and analyze**
- 13.16.220 Notification of spills**
- 13.16.230 Authority to inspect**
- 13.16.240 Authority to sample, establish sampling devices, and test**
- 13.16.250 Notice of violation**
- 13.16.260 Appeal**
- 13.16.270 Abatement by city**
- 13.16.280 Charging cost of abatement/liens**

**13.16.290 Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act**

**13.16.010 Purpose and Intent.**

The purpose and intent of this Chapter is to protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.), by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drainage facilities.

**13.16.020 Definitions.**

The terms used in this Chapter shall have the following meanings:

1. "Area of Special Biological Significance (ASBS)" means those areas designated by the State Water Resources Control Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. The Trinidad Head ASBS includes the coastal waters surrounding Trinidad Head from Mill Creek to the north and south to Parker Creek including Trinidad Bay.
2. "Best Management Practices (BMPs)" means activities, prohibitions, practices, or maintenance procedures that prevent or reduce the discharge of pollutants or discharges directly or indirectly to the municipal storm water drainage facilities and waters of the State and/or United States. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, trash and waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.
3. "Bioretention Facility" means a facility that manages stormwater and that uses engineered soils and selected plants to remove pollutants from stormwater runoff. Examples of bioretention facilities include rain gardens, vegetated swales, flow-through and infiltration planters, vegetated filters, and vegetated infiltration basins.
4. "City" means the City of Trinidad.
5. "Clean Water Act" means the federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC § 1251 et seq., and any subsequent amendments thereto.
6. "Construction Activity" means a project that involves soil disturbing activities with the potential to discharge pollutants to the City storm water drainage facility or Waters of the U.S., including but not limited to, clearing, grading, paving, landscaping, and disturbances to ground such as stockpiling, and excavation. Construction activities shall also be defined to include but are not limited to new construction, reconstruction, development, and redevelopment that create or replace impervious surfaces resulting in increased storm water runoff compared to pre-construction activity site conditions.
7. "Discharge of Pollutants" means the introduction of pollutants into the City's storm drainage facilities or any waters of the United States.



8. "Discharger" means the person, corporation, partnership or other entity directly causing or allowing the discharge.
9. "Hazardous Substances" means, without limitation, any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or the environment. Hazardous substances include, but are not limited to, those substances included within the definitions of "hazardous substance," "hazardous waste," "hazardous material," "toxic substance," "solid waste," or "pollutant or contaminant" in any local, state or federal law or regulation. (California Health and Safety Code §25117).
10. "Illicit Discharge" means any direct or indirect discharge to the storm water drainage facilities that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-storm water discharges not composed entirely of storm water, except as exempted in Section 13.16.080 of this chapter.
11. "Illicit Connection" is defined as either of the following:
  - a. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain facilities including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water enter the storm drain facilities and any connections to the storm drain facilities from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
  - b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain facilities which has not been documented in plans, maps, or equivalent records and approved by the City.
12. "Industrial facilities" or "industrial premise" means locations of activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
13. "Low Impact Development (LID)" means a sustainable practice that benefits water supply and contributes to water quality protection. Unlike traditional storm water management, which collects and conveys storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, Low Impact Development (LID) takes a different approach by using site design and storm water management to maintain the site's pre-development runoff rates and volumes.
14. "Maximum Extent Practicable (MEP)" means the minimum required performance standard for implementation of controls to reduce pollutants in storm water. MEP is the cumulative effect of implementing, evaluating, and making corresponding changes to a variety of technically appropriate and economically feasible BMPs, ensuring that the most appropriate controls are implemented in the most effective manner.
15. "MS4 Permit" or "National Pollutant Discharge Elimination System Storm Water Discharge Permit" means a permit issued pursuant to section 402 of the Clean Water Act, 33 USC. 1342, and administered by the State of California under the authority of the U.S. Environmental Protection Agency, permitting the discharge of pollutants into navigable waters of the United States.
16. "Natural ocean water quality" means water quality standard for a range of pollutants as defined by the ASBS North Coast Regional Monitoring Program or State Water Resources Control Board.
17. "Non-Storm Water Discharge" means any discharge to the storm drain facilities that is not composed entirely of storm water.

18. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind. A pollutant shall also include any increment or increase in the total volume or rate of storm water runoff resulting from any activity or development occurring after the effective date of this chapter in which a storm water limit had been set as a condition of approval.
19. "Pollution" means the human-made or human-induced alteration of the quality of waters by pollutant(s) to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050).
20. "Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.).
21. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
22. "Storm drainage facilities" means the storm and surface water drainage systems comprised of storm water control facilities and any other natural facilities which store, control, treat and/or convey storm and surface water. Storm drainage facilities shall include all natural and constructed elements used to convey storm water from the first point of contact with the surface of the earth to a suitable receiving body of water or location, internal or external, to the boundaries of the City. They shall include: pipes, appurtenant features, culverts, streets, curbs, gutters, pumping stations, channels, streams, ditches, wetlands, detention/retention basins, ponds, and other storm water conveyance and treatment facilities whether public or private.
23. "Storm Water" means any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snow melt, surface runoff and drainage.
24. "Watercourse" means a natural or artificial channel through which water flows.
25. "Waters of the United States" means surface watercourses and water bodies as defined at 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

**13.16.030      Applicability.**

This chapter shall apply to all developed and undeveloped lands lying within the City of Trinidad, or any lands discharging runoff into the City's storm water drainage facilities.

**13.16.040      Responsibility for Administration.**

The City Manager or designee of the City shall administer, implement and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the City Manager may be delegated in writing by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

**13.16.050      Severability.**

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

**13.16.060      Regulatory Consistency.**

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

**13.16.070      Ultimate Responsibility of Discharger.**

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore, this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the State and/or U.S. caused by said person. This Chapter shall not create liability on the part of the City of Trinidad, or any agent or employee thereof for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made there under.

**13.16.080      Prohibition of Illicit Discharges.**

- A. No person shall discharge or cause to be discharged into the storm drainage facilities, watercourses or the ocean any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.
- B. Discharges of stormwater into the storm drainage facilities or the waters of the U. S. in a manner causing or threatening to cause a condition of pollution or nuisance as defined in California Water Code section 13050 are prohibited.
- C. Non-storm water discharges are prohibited except as provided below. The following non-storm water discharges are allowed, provided that the discharges are essential for emergency response purposes, structural stability, slope stability or occur naturally. This provision does not supersede the authority of the City to effectively prohibit a non-storm water discharge that has been found to alter natural water quality in the ASBS.
  - 1. Discharges associated with emergency firefighting operations.
  - 2. Foundation and footing drains.
  - 3. Water from crawl space or basement pumps.
  - 4. Hillside dewatering.
  - 5. Naturally occurring groundwater seepage via a storm drain.
  - 6. Non-anthropogenic flows from a naturally occurring stream via a culvert or storm drain, as long as there are no contributions of anthropogenic runoff.

The following non-storm water discharges may be allowed between the storm drain inlets on either side of Trinity Street north of West Street and south of Main Street; between the storm drain inlets located

within the grassy swales at the west side of Ocean Street and north side of West Street, and in areas with no potential for direct or indirect discharge to the ASBS.

7. Exterior washing of personal motorized vehicles by residents;
  8. Uncontaminated incidental runoff from landscaped areas;
  9. Flushing of water lines and hydrants, or other discharges from potable water sources if the chlorine concentration is less than 1.0 milligrams per liter measured at the point of entry into the storm water drainage facility.
  10. Draining of uncontaminated water from swimming pools or spas, after the chlorine or other disinfectant concentrate of such water shows a reading of zero concentration on a test kit.
- D. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City of Trinidad for any discharge to the storm drain facilities.
- E. With written concurrence of the Regional Water Quality Control Board, the City of Trinidad may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drainage facilities or to the waters of the U.S.
- F. Authorized non-storm water discharges shall not cause or contribute to a violation of the water quality objective in Chapter II of the California Ocean Plan nor alter natural ocean water quality in an ASBS.
- Penalty, see TMC **13.16.250**

**13.16.090      Prohibition of Illicit Connections.**

- A. No person shall install, use or maintain a drain, conveyance, pipe, channel or other connection to the storm water drainage facilities, whether on the surface or subsurface, that may result in the discharge of a pollutant or pollutants into the storm water drainage facilities. For example, such illicit connections include but are not limited to those that could allow sewage, wastewater, pool, spa and wash water to enter the storm water drainage facilities and connections from indoor drains and sinks, regardless of whether the connection had been previously allowed, permitted, or approved by the City.
- B. No person shall install, use or maintain a drain or conveyance connected from a commercial or industrial premise to the storm water drainage facilities where such connection or drain is not approved by the City and documented in City records.

Penalty, see TMC **13.16.250**

**13.16.100      Waste Disposal Prohibitions.**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drainage facilities, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

Penalty, see TMC 13.16.250

**13.16.110      Requirements for Reducing Pollutants in Storm Water.**

- A. Any person engaging in activities that may result in pollutants entering the City's storm drain facilities or waters of the State and/or U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. Examples of such activities include, but are not limited to, ownership of and use of premises that may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, business enterprises. The owner or operator of commercial or industrial facilities shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm water drainage facilities or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
- B. Any person performing grading or construction activities shall obtain the applicable permits including a Construction Site Erosion Control Plan, and implement appropriate Best Management Practices to prevent erosion and the discharge of sediment, construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm water drainage facilities. BMPs shall include, but not be limited to measures in the Stormwater Best Practices Manual or any other measures which will adequately prevent soil from being eroded on the property and discharge of sediment or other materials from the property.
- C. Any person subject to an industrial or construction NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Manager prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

Penalty, see TMC 13.16.250

**13.16.140      Adoption of Best Management Practices**

- A. The City Manager or designee shall, as soon as practicable, formulate and develop a Stormwater Best Management Practices Manual (Stormwater BMP Manual) for activities, operations, or facilities that may cause or contribute to pollution or contamination of the storm drainage facilities or waters of the State and/or United States. The Stormwater BMP Manual shall include appropriate Best Management Practices for controlling the volume, rate and potential pollutant load of storm water runoff from existing and new projects as may be appropriate to minimize the generation, transport and discharge of pollutants. Best Management Practices requirements promulgated by any federal, state, or regional agency shall be incorporated into the Manual as appropriate.
- B. The Stormwater BMP Manual shall be revised and updated on a regular basis as needed to address new development, new regulations, or changing circumstances.
- C. The Stormwater Best Management Practices Manual and all revisions thereto shall be adopted by the City Council.

**13.16.130      Post construction requirements**

The primary objective of these Post-Construction Stormwater Management Requirements (hereinafter, Post-Construction Requirements) is to ensure the reduction of pollutant discharges to the

Maximum Extent Practicable and preventing stormwater discharges from causing or contributing to a violation of receiving water quality standards in all applicable development projects that require approvals and/or permits issued by the City.

The City of Trinidad has and continues in an ongoing relationship with Humboldt County and other Humboldt County incorporated cities enrolled in the MS4 Permit in the development of guidance and requirements for projects within the Humboldt County area. The participating Cities and Humboldt County have prepared a document entitled the Humboldt Low Impact Development Stormwater Manual (Humboldt LID Manual), a copy of which is located on the City of Trinidad website. It is expected that the Humboldt LID Manual will be revised periodically. The newest edition of the Humboldt LID Manual establishes the minimum standards and requirements for compliance with this ordinance. The standards and guidelines of the Humboldt LID Manual must be complied with except to the extent that a more stringent standard is expressly set forth herein. If there are any conflicts between the Humboldt LID Manual and the express language of this ordinance, the express language of this ordinance shall control.

#### **13.16.140 Regulated projects**

Regulated Projects include all New Development or Redevelopment projects that create and/or replace  $\geq 2,500$  square feet of impervious surface (collectively over the entire project site).

(A) Regulated Projects include, but are not limited to the following road projects/practices:

- (1) Removing and replacing a paved surface resulting in alteration of the original line and grade, hydraulic capacity or overall footprint of the road
- (2) Extending the pavement edge, or paving graveled shoulders
- (3) Resurfacing by upgrading from dirt to asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment ("chip seal") to asphalt or concrete

(B) Regulated Projects do not include:

- (1) Road and Parking Lot maintenance:
  - (a) Road surface repair including slurry sealing, fog sealing, and pothole and square cut patching
  - (b) Overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage
  - (c) Shoulder grading
  - (d) Cleaning, repairing, maintaining, reshaping, or regrading drainage systems
  - (e) Crack sealing
  - (f) Resurfacing with in-kind material without expanding the road or parking lot
  - (g) Practices to maintain original line and grade, hydraulic capacity, and overall footprint of the road or parking lot
  - (h) Repair or reconstruction of the road because of slope failures, natural disasters, acts of God or other man-made disaster
- (2) Sidewalk and bicycle path or lane projects, where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas
- (3) Trails and pathways, where no other impervious surfaces are replaced or created, and built to direct stormwater runoff to adjacent vegetated areas
- (4) Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics
- (5) Curb and gutter improvement or replacement projects that are not part of any additional creation or replacement of impervious surface area (e.g., sidewalks, roadway)
- (6) Second-story additions that do not increase the building footprint

- (7) Raised (not built directly on the ground) decks, stairs, or walkways designed with spaces to allow for water drainage
- (8) Photovoltaic systems installed on/over existing roof or other impervious surfaces, and panels located over pervious surfaces with well-maintained grass or vegetated groundcover, or panel arrays with a buffer strip at the most down gradient row of panels
- (9) Temporary structures (in place for less than six months)
- (10) Electrical and utility vaults, sewer and water lift stations, backflows and other utility devices
- (11) Above-ground fuel storage tanks and fuel farms with spill containment system

### **13.16.150 Minimum performance requirements**

#### **(A) Performance Requirement No. 1: Site Design and Runoff Reduction**

- (1) All projects that create and/or replace  $\geq 2,500$  square feet of impervious surface (collectively over the entire project site), including detached single-family home projects, are required to implement at least the following design strategies throughout the project site:
  - (a) Limit disturbance of creeks and natural drainage features
  - (b) Minimize compaction of highly permeable soils
  - (c) Limit clearing and grading of native vegetation at the site to the minimum area needed to build the project, allow access, and provide fire protection
  - (d) Minimize impervious surfaces by concentrating improvements on the least-sensitive portions of the site, while leaving the remaining land in a natural undisturbed state
  - (e) Minimize stormwater runoff by implementing one or more of the following site design measures:
    - (i) Direct roof runoff into cisterns or rain barrels for reuse
    - (ii) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with California building code
    - (iii) Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with California building code
    - (iv) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with California building code
    - (v) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces
- (2) The City will confirm that projects comply with Site Design and Runoff Reduction Performance Requirements by means of appropriate documentation (e.g., check lists) accompanying applications for project approval.

#### **(B) Performance Requirement No. 2: Water Quality Treatment**

- (1) All projects, except detached single-family homes,  $\geq 5,000$  square feet of Net Impervious Area, and detached single-family homes  $\geq 15,000$  square feet of Net Impervious Area, are required to treat stormwater runoff as required in the *Humboldt LID Manual* to reduce pollutant loads and concentrations using physical, biological, and chemical removal.
- (a) Net Impervious Area is the total (including new and replaced) post-project impervious areas, minus any reduction in total imperviousness from the pre-project to post-project condition: *Net Impervious Area = (New and Replaced Impervious Area) - (Reduced Impervious Area Credit)*, where *Reduced Impervious Area Credit* is the total pre-project to post-project reduction in impervious area, if any.

- (2) Each project subject to Water Quality Treatment Performance Requirements will treat runoff generated by the project site using the onsite measures, listed in the order of preference (highest to lowest) in the *Humboldt Low Impact Development Stormwater Manual*. Water Quality Treatment Performance Requirements shall apply to the runoff from existing, new, and replaced impervious surfaces on sites where runoff from existing impervious surfaces cannot be separated from runoff from new and replaced impervious surfaces.

(C) Performance Requirement No. 3: Runoff Retention

- (1) All projects, except detached single-family homes, that create and/or replace  $\geq 15,000$  square feet of impervious surface (collectively over the entire project site), and detached single-family homes  $\geq 15,000$  square feet of Net Impervious Area, are required to meet the Runoff Retention Performance Requirements in the *Humboldt LID Manual* using LID principles and practices.
- (2) All projects, subject to the Runoff Retention Performance Requirements, are required to meet the following Performance Requirements:
  - i) Retain 95th Percentile Rainfall Event – Prevent offsite discharge from events up to the 95th percentile 24-hour rainfall event (1.3”).
  - ii) Compliance must be achieved by optimizing infiltration.
- (3) LID Development Standards – All Projects, subject to Runoff Retention Performance Requirements, are required to meet Runoff Retention Performance Requirements in the *Humboldt LID Manual* using LID principles and practices.

- (D) Performance Requirement No. 4: Peak Management. The City will require all projects that create and/or replace  $\geq 22,500$  square feet of impervious surface (collectively over the entire project site, to manage peak stormwater runoff as required in the *Humboldt LID Manual*, and to meet Water Quality Treatment and Runoff Retention Performance Requirements.

- (E) Performance Requirement No. 5: Special Circumstances. The City may designate projects as subject to Special Circumstances based on certain site and/or receiving water conditions. The Special Circumstances designation exempts a project from Runoff Retention and/or Peak Management Performance Requirements where those Performance Requirements would be ineffective to maintain or restore beneficial uses of receiving waters. Areas within the City subject to Special Circumstances are identified in the *Humboldt LID Manual*.

**13.16.170 Requirement to eliminate illicit discharges**

Notwithstanding the requirements of this chapter, the City Manager may require by written notice that a person responsible for an illicit discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illicit discharges.

**13.16.180 Requirement to eliminate or secure approval for illicit connections**

(A) The City Manager may require by written notice that a person responsible for an illicit connection to the storm drain facilities comply with the requirements of this chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this chapter.

(B) If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request city



approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

**13.16.190 Watercourse protection**

Every person owning property through which a watercourse passes shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse. Penalty, see TMC 13.16.250

**13.16.200 Requirement to remediate**

Whenever the City Manager finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, storm drainage facilities, or water of the state and/or U.S., the City Manager may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a time specified in said notice.

**13.16.210 Requirement to monitor and analyze**

The City Manager may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illicit discharges, and/or non-storm water discharges to the storm drain facilities or waters of the state and/or U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the city as deemed necessary to determine compliance with this chapter.

**13.16.220 Notification of spills**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain facilities, or water of the state and/or U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the city's Public Works Department in person, by phone or facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city's Public Works Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial facility, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Penalty, see TMC 13.16.250

**13.16.230 Authority to inspect**

Whenever necessary to make an inspection to enforce any provision of this chapter or whenever the City Manager has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the City Manager or designee may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the

city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**13.16.240 Authority to sample, establish sampling devices, and test**

During any inspection as provided herein, the City Manager or designee may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

**13.16.250 Notice of violation, fines and penalties**

Violations of this chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Chapter 1.08 TMC. Each separate day in which a violation exists shall be considered a separate violation. [Ord. 2011-02 § 1, 2011].

Whenever the City Manager finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City Manager or designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (A) The performance of monitoring, analyses and reporting;
- (B) The elimination of illicit connections or discharges;
- (C) That violating discharges, practices, or operations shall cease and desist;
- (D) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (E) Payment of a fine to cover administrative and remediation costs;
- (F) Payment of penalties; and
- (G) The implementation of source control or treatment BMP's.

**13.16.260 Appeal**

Notwithstanding the provisions of TMC **13.16.270** below, any person receiving a Notice of Violation under TMC **13.16.250** above may appeal the determination of the City Manager to the City Manager. The notice of appeal must be received by the City Manager within five days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his or her designee shall take place within 15 days from the date of the city's receipt of the notice of appeal. The decision of the City Manager or designee shall be final.

**13.16.270 Abatement by City**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under TMC 13.16.260, within ten days of the decision of the City Manager upholding the decision of the City Manager, then the city or a contractor designated by the City Manager shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above. Penalty, see TMC **13.16.250**

**13.16.280 Charging cost of abatement/liens**

(A) Within 30 days after abatement of the nuisance by the City, the City Manager shall notify the property owner of the abatement cost, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be set forth by resolution and shall be final.

(B) If the amount due is not paid within ten days of the decision of the City Council or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

**13.16.290 Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act**

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

**Section 2.** A new Chapter 13.20 is hereby added to Title 13 Public Services of the City of Trinidad Municipal Code (TMC) regarding Water Efficient Landscape Design Requirements, which shall read in its entirety; as follows:

**DRAFT – CITY OF TRINIDAD  
CHAPTER 13.20  
WATER EFFICIENT LANDSCAPE DESIGN REQUIREMENTS**

**Sections:**

<b>13.20.010</b>	<b>Purpose</b>
<b>13.20.020</b>	<b>Applicability</b>
<b>13.20.030</b>	<b>Definitions</b>
<b>13.20.040</b>	<b>Landscape and Irrigation Plan Contents</b>
<b>13.20.050</b>	<b>Landscape and Irrigation Design</b>
<b>13.20.060</b>	<b>Stormwater Management</b>
<b>13.20.070</b>	<b>Landscape and Irrigation Maintenance</b>

**13.20.010 Purpose.**

It is the purpose of this chapter to identify landscape design standards for new and redevelopment projects that minimize water use and eliminate water waste in new and rehabilitated landscape areas by requiring low water landscape plantings and irrigation methods, and by encouraging stormwater management within required landscape areas.

**13.20.020 Applicability.**

- A. This chapter shall apply to all of the following landscape projects:
1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, design review or other discretionary use permit;
  2. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, design review or other discretionary use permit;
  3. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to

or greater than 5,000 square feet requiring a building permit, design review or other discretionary use permit;

A. This ordinance does not apply to:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system;
4. Plant collections, as part of botanical gardens and arboretums open to the public; or
5. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2 of the State Model Water Efficient Landscape Ordinance.

### **13.20.030 Definitions.**

A. The terms used in this chapter have the meaning set forth below:

1. "Applied water" means the portion of water supplied by the irrigation system to the landscape.
2. "Automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
3. "Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
4. "Certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.
5. "Check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
6. "Common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per California Civil Code Section 1351.
7. "Conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.
8. "Drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
9. "Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
10. "Effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.
11. "Emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.
12. "Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
13. "Establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.
14. "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in §13.20.050.A.1.c.

15. "ET adjustment factor" (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.
16. "Evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
17. "Flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
18. "Hardscapes" means any durable material (pervious and non-pervious).
19. "Homeowner-provided landscaping" means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.
20. "Hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.
21. "Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
22. "Invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
23. "Irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.
24. "Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.
25. "Landscape architect" means a person who holds a license to practice landscape architecture in the state of California.
26. "Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
27. "Landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
28. "Landscape plan" means the documents required under §13.16.040.A.2.
29. "Landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under §13.16.020.
30. "Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
31. "Local water purveyor" means the City of Trinidad Water Department.
32. "Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

33. "Main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.
34. "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in §13.16.050.A.3. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.
35. "Microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
36. "Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
37. "Mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
38. "New construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
39. "Operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
40. "Overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).
41. "Overspray" means the irrigation water which is delivered beyond the target area.
42. "Permit" means an authorizing document issued by the City of Trinidad for new construction or rehabilitated landscapes.
43. "Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.
44. "Plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species".
45. "Precipitation rate" means the rate of application of water measured in inches per hour.
46. "Project applicant" means the individual or entity submitting a landscape plan required under §13.20.040.A.2, to request a permit, plan check, or design review from the City of Trinidad. A project applicant may be the property owner or his or her designee.
47. "Rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.
48. "Record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.
49. "Recreational area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

50. "Recycled water", "reclaimed water", or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.
51. "Reference evapotranspiration" or "ET<sub>o</sub>" means a standard measurement of environmental parameters which affect the water use of plants. ET<sub>o</sub> is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ET <sub>o</sub>
HUMBOLDT Trinidad	0.5	1.1	2.0	3.0	3.7	3.7	3.7	3.7	3.0	2.0	0.9	0.5	27.5

52. "Rehabilitated landscape" means any re-landscaping project that requires landscape plan approval, meets the requirements of §13.16.020, and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.
53. "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.
54. "Soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
55. "Soil texture" means the classification of soil based on its percentage of sand, silt, and clay.
56. "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
57. "Sprinkler head" means a device which delivers water through a nozzle.
58. "Static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.
59. "Station" means an area served by one valve or by a set of valves that operate simultaneously.
60. "Swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
61. "Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.
62. "Valve" means a device used to control the flow of water in the irrigation system.
63. "Water conserving plant species" means a plant species identified as having a low plant factor.
64. "Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.
65. "Watering window" means the time of day irrigation is allowed.

66. "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

**13.20.040 Landscape and Irrigation Plan Contents.**

Landscape and irrigation plans submitted to the City of Trinidad under this Chapter shall include the following:

- A. Compliance with landscape plan.
  - 1. Prior to construction, the applicant shall submit a landscape plan to the City of Trinidad for review and approval.
  - 2. Upon approval of the landscape plan by the City, the project applicant shall:
  - 3. Receive a permit for the proposed landscaping and irrigation improvements;
  - 4. Submit a copy of the approved landscape plan along with the record drawings, and any other information to the property owner or his/her designee; and
  - 5. Submit a copy of the Water Efficient Landscape Worksheet to the City of Trinidad Public Works Department Water Division.
- B. Elements of the landscape plan. The landscape plan shall include the following six (6) elements:
  - 1. Project information;
    - a. Date
    - b. Project applicant name
    - c. Project address (if available, parcel and/or lot number(s))
    - d. Total landscape area (square feet)
    - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
    - f. Water supply type (e.g., potable, recycled, etc.) and purveyor
    - g. Project contacts to include contact information for the project applicant and property owner
    - h. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete landscape plan"
  - 2. Water Efficient Landscape Worksheet;
    - a. Hydrozone information table
    - b. Water budget calculations
      - i. Maximum Applied Water Allowance (MAWA)
      - ii. Estimated Total Water Use (ETWU)
  - 3. On-site soil characteristics;
  - 4. Landscape design plan;
  - 5. Irrigation design plan; and
  - 6. Grading design plan (if applicable).

**13.20.050 Landscape and Irrigation Design**

Landscape and irrigation designs shall include the Water Efficient Landscape Worksheet, Landscape Design Plan, Irrigation Design Plan, irrigation scheduling, and recycled water plan as applicable to the project design proposal.



A. Water Efficient Landscape Worksheet.

1. A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections:

- a. A hydrozone information table for the landscape project; and

HYDROZONE INFORMATION TABLE

Hydrozone*	Zone or Valve	Irrigation Method**	Area (Sq. Ft.)	% of Landscape Area
				100%

**\* Hydrozone**

*HW = High Water Use Plants*

*MW = Moderate Water Use Plants*

*LW = Low Water Use Plants*

**\*\*Irrigation Method**

*MS = Micro-spray*

*S = Spray*

*R = Rotor*

*B= Bubbler*

*D= Drip*

*O = Other*

- b. A water budget calculation for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use 27.5 inches as the City of Trinidad ETo as established in the State Department of Water Resources' CIMIS Reference Evapotranspiration Zones Map.

- i. Maximum Applied Water Allowance (MAWA). The project's Maximum Applied Water Allowance shall be calculated using this equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

where:

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = 27.5 inches per year

0.7 = ET Adjustment Factor (ETAF)

LA = Landscaped Area includes Special Landscape Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

SLA = Portion of the landscape area identified as Special Landscape Area (square feet)

0.3 = the additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)

Maximum Applied Water Allowance = \_\_\_\_ gallons per year

- ii. Estimated Total Water Use (ETWU). The project's Estimated Total Water Use is calculated using the following formula:

$$ETWU = (ETo)(0.62) \left( \frac{PF \times HA}{IE} + SLA \right)$$

where:

- ETWU = Estimated total water use per year (gallons per year)  
 ETo = 27.5 inches per year  
 PF = Plant Factor from WUCOLS (see Definitions)  
 HA = Hydrozone Area [high, medium, and low water use areas] (square feet)  
 SLA = Special Landscape Area (square feet)  
 0.62 = Conversion Factor (to gallons per square foot)  
 IE = Irrigation Efficiency (minimum 0.71)

Hydrozone Table for Calculating ETWU

Hydrozone No.	Plant Water Use Type(s)	Plant Factor (PF)	Area (HA) (square feet)	PF x HA (square feet)
			Sum	
	SLA			

Estimated Total Water Use = \_\_\_\_ gallons

2. Water budget calculations shall adhere to the following requirements:
  - a. The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
  - b. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
  - c. All Special Landscape Areas shall be identified and their water use calculated as described below.
  - d. ETAF for Special Landscape Areas shall not exceed 1.0.
3. Maximum Applied Water Allowance. The Maximum Applied Water Allowance shall be calculated using the equation where the ETo is 27.5 inches:  
 $MAWA = (ETo) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$
4. Estimated Total Water Use. The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

Where:

- ETWU = Estimated Total Water Use per year (gallons)  
 ETo = Reference Evapotranspiration (inches)  
 PF = Plant Factor from WUCOLS  
 HA = Hydrozone Area [high, medium, and low water use areas] (square feet)  
 SLA = Special Landscape Area (square feet)  
 0.62 = Conversion Factor  
 IE = Irrigation Efficiency (minimum 0.71)

B. Landscape Design Plan.

1. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape plan.
  - a. Plant Material
    - i. Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:
      1. Protection and preservation of native species and natural vegetation;
      2. Selection of water-conserving plant and turf species;
      3. Selection of plants based on disease and pest resistance;
      4. Selection of trees based on applicable local tree ordinances or tree shading guidelines; and
      5. Selection of plants from local and regional landscape program plant lists.
    - ii. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in §13.16.050.C.2.a.vii.
    - iii. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:
      1. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
      2. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
      3. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
    - iv. Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).
    - v. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per the California Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.
    - vi. The use of invasive and/or noxious plant species is strongly discouraged.
    - vii. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include

conditions that have the effect of prohibiting the use of low-water use plants as a group.

- b. Water Features
  - i. Recirculating water systems shall be used for water features.
  - ii. Where available, recycled water shall be used as a source for decorative water features.
  - iii. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
  - iv. Pool and spa covers are highly recommended.
- c. Mulch and Amendments
  - i. A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
  - ii. Stabilizing mulching products shall be used on slopes.
  - iii. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
  - iv. Soil amendments shall be incorporated according to recommendations of a soil report and what is appropriate for the plants selected.

2. The landscape design plan, at a minimum, shall:

- a. Delineate and label each hydrozone by number, letter, or other method;
- b. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
- c. Identify recreational areas;
- d. Identify areas permanently and solely dedicated to edible plants;
- e. Identify areas irrigated with recycled water;
- f. Identify type of mulch and application depth;
- g. Identify soil amendments, type, and quantity;
- h. Identify type and surface area of water features;
- i. Identify hardscapes (pervious and non-pervious);
- j. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
  - i. Infiltration beds, swales, and basins that allow water to collect and soak into the ground;
  - ii. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
  - iii. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
- k. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
- l. Include the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and
- m. Bear the signature of the person authorized to design a landscape.

C. Irrigation Design Plan.

1. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape plan.
2. For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.
  - a. System
    - i. Dedicated landscape water meters are recommended on landscape areas smaller than 5,000 square feet to facilitate water management.
    - ii. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.
    - iii. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
      1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
      2. Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
    - iv. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems.
    - v. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
    - vi. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.
    - vii. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
    - viii. Relevant information from a soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
    - ix. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
    - x. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in §13.16.050.A.1.c regarding the Maximum Applied Water Allowance.

- xi. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- xii. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- xiii. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- xiv. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- xv. Check valves or anti-drain valves are required for all irrigation systems.
- xvi. Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.
- xvii. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
  - 1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
  - 2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
  - 3. The irrigation designer specifies an alternative design or technology, as part of the landscape plan and clearly demonstrates strict adherence to irrigation system design criteria in §13.16.050.C.2.a.vii.
  - 4. Prevention of overspray and runoff must be confirmed during the irrigation audit.
- xviii. Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape plan, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

b. Hydrozone

- i. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- ii. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- iii. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
- iv. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
  - 1. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

2. The plant factor of the higher water using plant is used for calculations.
    - v. Individual hydrozones that mix high and low water use plants shall not be permitted.
    - vi. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table.
  3. The irrigation design plan, at a minimum, shall contain:
    - a. Location and size of separate water meters for landscape;
    - b. location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
    - c. Static water pressure at the point of connection to the public water supply;
    - d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
    - e. Recycled water irrigation systems as specified in §13.16.050.E;
    - f. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
    - g. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.
- D. Irrigation Scheduling. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
  1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
  2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it.
  3. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
  4. Parameters used to set the automatic controller shall be developed for each of the following:
    - a. Plant establishment period;
    - b. Established landscape; and
    - c. Temporarily irrigated areas.
  5. Each irrigation schedule shall consider for each station all of the following that apply:
    - a. Irrigation interval (days between irrigation);
    - b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
    - c. Number of cycle starts required for each irrigation event to avoid runoff;
    - d. Amount of applied water scheduled to be applied on a monthly basis;
    - e. Application rate setting;
    - f. Root depth setting;

- g. Plant type setting;
- h. Soil type;
- i. Slope factor setting;
- j. Shade factor setting; and
- k. Irrigation uniformity or efficiency setting.

E. Recycled Water.

- 1. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in §13.16.050.E.2.
- 2. Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.
- 3. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.
- 4. Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

**13.20.060 Stormwater Management.**

Landscape-related stormwater management practices can reduce runoff and improve water quality when properly designed and constructed. The following standards apply to the design of landscape areas used as bioretention facilities:

- A. Facility Sizing. Bioretention facilities shall be designed to manage stormwater from the drainage management area. Sizing shall be in accordance with the City's stormwater permit and as codified elsewhere in the Trinidad Municipal Code.
- B. Plant Selection. Plants used in bioretention facilities shall be selected for tolerance to both periodic inundation, as well as prolonged dry periods. Plants shall be non-invasive and should be native to the region whenever possible. A list of suitable plant species is on file with the City of Trinidad Planning & Building Services Department. Plants shall be selected according to the surface grade and the incidence of periodic surface water inundation. Plants selected for Zone A should tolerate periodic surface water inundation as well as seasonal dry periods. Plants selected for Zone B should tolerate the planting on side slopes and surface water runoff.
- C. Hydrozone Grouping and Irrigation. Installed plants within rain gardens and other bioretention facilities shall be grouped into hydrozones based on similar water usage. During plant establishment, temporary irrigation shall use separate valves for each hydrozone. All irrigation shall be removed or disconnected from the bioretention facility at the end of plant establishment.
- D. Planter Edge and Curb Design. Bioretention facilities are intended to receive and treat stormwater runoff. Edge treatments shall be designed not to impede sheet flow from surrounding areas. See standard design details contained in the Humboldt LID Manual. See 13.16.130 Post Construction Requirements.
- E. Mulching. Mulch application, quantity, and composition for bioretention facilities shall be as specified in the design details contained in the Humboldt LID Manual. See 13.16.130 Post Construction Requirements.

**13.20.070 Landscape and Irrigation Maintenance**

- A. Landscapes shall be maintained to ensure water use efficiency.

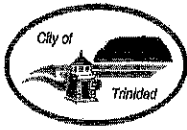


- B. Regular maintenance shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- C. Irrigation systems shall be properly maintained to prevent water waste from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Repair of all irrigation equipment shall be done with the originally installed components or equivalents.

**Section 3.** Chapter 15.16.210 Grading specifications in Title 15 Buildings and Construction, of the City of Trinidad Municipal Code (TMC) is hereby amended as follows:

**15.16.210 Grading specifications.**

- A. All grading within 1,000 feet of any residential occupancy, hotel or motel shall be carried on between the hours of 8:00 a.m. and 5:30 p.m., unless other hours are specified by the city engineer.
- B. All graded surfaces shall be wetted, protected, or contained in such a manner as to prevent a nuisance from dust or spillage. Equipment and materials on the site should be used in such a manner as to avoid excessive dust and noise.
- C. Riparian habitats shall be preserved.
- D. All exposed excavations and fills shall receive adequate erosion control treatment.
- E. All graded sites shall be developed so as to provide control of storm and surface waters. Adequate provisions shall be made to prevent any storm or surface waters from damaging the face of an excavation or the sloping face of a fill. All drainage provisions shall be subject to the approval of the city engineer, and subdrainage may be required where deemed necessary. All drainage provisions shall be of such a design so as to carry or direct storm and surface waters to the nearest practical street, storm drain, stormwater bioretention facility, or natural watercourse, approved by the city engineer. [Ord. 164 § 2.8, 1980].



## **DISCUSSION AGENDA ITEM 4**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 7 PAGES**

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4. Discussion/Decision Regarding Resolution 2015-02; Declaring a Drought Emergency and Implementing Water Conservation Measures as Mandated by the State Water Resources Control Board.

## **DISCUSSION AGENDA ITEM**

**Wednesday, May 15, 2015**

### **Item: Resolution Declaring a Drought Emergency and Implementing Water Conservation Measures as Mandated by the State Water Resources Control Board**

#### **Background:**

The Governor of California issued Executive Order B-29-15 on April 1, 2015, ordering that the State Water Resources Control Board (Water Board) impose restrictions to achieve a statewide 25% reduction in water use compared to the amount used in 2013. The Water Board emergency regulations, adopted May 5, 2015, specify that smaller water suppliers (serving fewer than 3000 connections) will be required to reduce by 25 percent its total potable water production relative to the amount produced in 2013 or restrict outdoor irrigation of ornamental landscapes or turf with potable water to no more than 2 days a week. The Water Board also issued End-User Requirements, which apply to all Californians and include:

- Prohibiting irrigation of ornamental turf on public street medians.
- Prohibiting irrigation with potable water outside of newly constructed homes and buildings not in accordance with emergency regulations or other requirements.

These prohibitions are in addition to the existing restrictions that prohibit:

- Allowing runoff when irrigating with potable water;
- Using hoses with no shutoff nozzles to wash cars;
- Using potable water in decorative water features that do not recirculate the water;
- Irrigating outdoors during and within 48 hours following measureable rainfall; and
- Restaurants from serving water to their customers unless the customer requests it.
- Additionally, hotels and motels must offer their guests the option to not have their linens and towels laundered daily, and prominently display this option in each guest room.

The City will be required to submit a single report on December 15, 2015 that provides water production from June-November 2015 and June-November 2013 and the number of days per week outdoor irrigation is allowed.

In addition to other powers, local agencies can fine property owners up to \$500 a day for failure to implement the water use prohibitions and restrictions. The State Water Board can issue informational orders, conservation orders or cease and desist orders to water suppliers for failure to meet their conservation standard or failure to implement required prohibitions and restrictions. Water agencies that violate cease and desist orders are subject to a civil liability of up to \$10,000 a day.

The Water Committee met on May 5 to determine how to comply with the Water Board requirements. Staff was directed to develop a resolution declaring a drought emergency and putting into effect the Water Rationing Ordinance 160 § 1, 1977 (Trinidad Municipal Code Chapter 13.08) as a mechanism to comply with the Statewide mandatory conservation regulations. This Resolution also limits outdoor watering to two days a week on Saturdays and Wednesdays.

#### **Recommended Action:**

Adopt Resolution 2015-02

#### **Attachments:**

- Resolution 2015-02
- Water Board media Release – Adopting a 25% Mandatory Water Conservation Regulation



**RESOLUTION NO. 2015-02**

**DECLARING A DROUGHT EMERGENCY AND IMPLEMENTING WATER CONSERVATION MEASURES AS MANDATED BY THE STATE WATER RESOURCES CONTROL BOARD**

**WHEREAS**, California Water Code section 71642 authorizes the governing body of a municipal water district to find the existence or threat of a drought emergency or other threatened or existing water shortage, and that finding is prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding is made by the board by resolution or ordinance; and

**WHEREAS**, pursuant to Water Code section 71640, the City may restrict the use of City-supplied water during the drought emergency or other water shortage condition and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or other restricted uses as the District determines to be necessary; and

**WHEREAS**, on April 1, 2015, the Governor of the State of California issued Executive Order B-29-15 that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable water usage through February 28, 2016;

**WHEREAS**, the Governor's Executive Order acknowledged that California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with reduced flows in the state's rivers and shrinking supplies in underground water basins; and

**WHEREAS**, the Governor's Executive Order also noted that the distinct possibility exists that current drought will stretch into a fifth straight year in 2016 and beyond; and

**WHEREAS**, in 1977, having declared a water shortage emergency, the City Council adopted Ordinance 160 § 1, 1977 adding Chapter 13.08 Water Rationing; and

**WHEREAS**, a water shortage emergency condition prevails in the area served by the area, due to conditions prevailing throughout the state of California and in the service area of the city; and

**WHEREAS**, on March 12, 2014, the City Council appointed Council members Dwight Miller and Jack West to serve as the Water Committee and work with city staff in the event water conservation/rationing measures are necessary in the future; and

**WHEREAS**, City staff has taken measures to account for and reduce water use and the water committee has determined it appropriate to put into force and effect the Water Rationing Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Trinidad City Council, as follows:

1. Pursuant to Water Code section 71642, and for the reasons set forth herein, the City Council finds the existence or threat of a drought and declares that drought emergency prevails; and
2. Pursuant to Trinidad Municipal Code 13.08, the City Council may adopt restrictions and prohibitions on the delivery and consumption of water within the service area so that the water supply can be conserved for the greater public benefit. To comply with State regulations and to prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is

prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

- a. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
  - b. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
  - c. The application of potable water to driveways and sidewalks; and
  - d. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;
  - e. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;
  - f. The irrigation with potable water outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements; and
  - g. Limiting outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days a week on Saturdays and Wednesdays.
3. Pursuant to Trinidad Municipal Code 13.08, the water committee and the City Manager (in place of the Police Chief) have the duty and are authorized to enforce the provisions of the chapter. Violations and penalties are provided by the Water Rationing codes. Staff has been directed to provide public education about the prohibited water uses, water conservation and the drought conditions.
4. Pursuant to Water Code section 71641 and Government Code section 6061, the City of Trinidad shall publish in a newspaper of general circulation any ordinance setting forth the restrictions, prohibitions, and exclusions determined by the City to be necessary under Water Code section 71640; and
5. This drought emergency or water shortage condition shall be presumed to continue unchanged unless and until a contrary finding is made by the board by resolution or ordinance; and
6. The City Council requests that federal and state agencies provide financial and other assistance to residents, water suppliers, water rights holders, ranchers, farmers, business owners and any local governments who are harmed by the drought emergency in its territorial limits to help them mitigate the effects of the persistent drought conditions.

**PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL** of Humboldt County of the State of California on Wednesday, May 13, 2015.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

**Attest:**

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

\_\_\_\_\_  
**Julie Fulkerson**  
Mayor



# Media Release

## State Water Board Adopts 25 Percent Mandatory Water Conservation Regulation

For Immediate Release  
May 5, 2015

Contact: George Kostyrko  
gkostyrko@waterboards.ca.gov

**SACRAMENTO** – With emergency drought conditions persisting throughout California, the State Water Resources Control Board Tuesday adopted an emergency regulation requiring an immediate 25 percent reduction in overall potable urban water use statewide in accordance with Gov. Jerry Brown's April 1 Executive Order.

The Governor's Executive Order required, for the first time in the state's history, mandatory conservation for all residents and directed several state agencies, including the State Water Board, to take immediate action to safeguard the state's remaining potable urban water supplies in preparation for a possible fifth year of drought.

A 25 percent savings in potable urban water use amounts to more than 1.2 million acre-feet of water over the next nine months, or nearly as much water as is currently in Lake Oroville.

Tuesday's action follows the release of water production figures for the month of March which registered only a slight increase from the amount of water saved in the prior month. The amount of water conserved in March 2015, as compared to March 2013 was 3.6 percent, up less than one percent from February's results.

Since the State Water Board adopted its initial emergency urban conservation regulation in July 2014, voluntary statewide conservation efforts have reached 9 percent overall – far short of the 20 percent Governor Brown called for in 2014. To see how various regions and communities have done conserving water, please visit this link here.

"This is the drought of the century, with greater impact than anything our parents and grandparents experienced, and we have to act accordingly," said Felicia Marcus, Chair of the State Water Resources Control Board.

"Today we set a high but achievable bar, with the goal of stretching urban California's water supply. We have to face the reality that this drought may continue and prepare as if that's the case. If it rains and snows next winter, we celebrate. If the drought continues, we'll be glad we took difficult but prudent action today. It's the responsible thing to do."



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

STATE WATER RESOURCES CONTROL BOARD

1001 I Street, Sacramento, CA 95814 • Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 • [www.waterboards.ca.gov](http://www.waterboards.ca.gov)





### Conservation Standard

The emergency regulation identifies how much water communities must conserve based on their average residential water use, per person per day, last summer. Every person should be able keep indoor water use to no more than 55 gallons per day. For the most part, the amount of water that each person uses in excess of this amount is water that is applied to lawns and other ornamental landscapes.

On average, 50 percent of total residential use is outdoors, in some cases up to 80 percent. To save water now, during this drought emergency, the regulation targets these outdoor uses. Communities that are approaching, at or below the indoor target, are assigned a modest conservation standard while communities that use water well above the indoor target will be asked to do much more.

To reduce water use by 25 percent statewide, the regulation adopted by the Board this week places each urban water supplier into one of eight tiers which are assigned a conservation standard, ranging between four percent and 36 percent. Each month, the State Water Board will compare every urban water suppliers' water use with their use for the same month in 2013 to determine if they are on track for meeting their conservation standard. Local water agencies will determine the most cost effective and locally appropriate way to achieve their standard. The State Water Board will be working closely with water suppliers to implement the regulations and improve local efforts that are falling short.

"This likely will result in all communities significantly cutting back on outdoor watering, particularly ornamental landscapes surrounding homes, institutions, and businesses, resulting in many golden landscapes statewide," said Marcus. "This will be a heavy lift for some, but we believe that the regulatory strategy adopted today is doable – in fact, many communities that have focused on conserving water have already achieved significant conservation without losing their landscapes."

Residential customers of water suppliers with a conservation standard of 36 percent currently use between 216 and 614 gallons of water per person per day during the months of July, August, and September. Reducing their water use by 36 percent will still leave these residents with a minimum of 137 and up to 393 gallons of water per person per day; far more than the accepted standard of 55 gallons per person per day for indoor use. The difference between 55 gallons per person per day and 137 – 393 gallons per person per day means that these residents will still have water available for outdoor irrigation. Communities using less than 65 gallons per person per day will be required to reduce their overall water use by 8 percent.

"Over the longer term, we have many ways to extend our precious water resources, particularly in urban areas — conservation, recycling, stormwater capture, and desalination in appropriate cases have great promise. Many communities have done a lot already, or have ambitious goals that we hope to help them achieve. In the short run however, conservation is the cheapest, fastest and smartest way to become more resilient in the face of drought today and climate change in the future," said Marcus.



### Summary of New Requirements

- The conservation savings for all urban water suppliers (serving more than 3,000 connections) are allocated across nine tiers of increasing levels of residential gallons per capita per day (R-GPCD) water use to reduce water use by 25 percent statewide and will take effect June 1st. For specific information on the tiers and the suppliers in each tier, please visit [here](#).
- Smaller water suppliers (serving fewer than 3,000 connections) must either reduce water use by 25 percent, or restrict outdoor irrigation to no more than two days per week. These smaller urban suppliers, that collectively serve less than 10 percent of Californians, must submit a report on December 15, 2015 to demonstrate compliance.
- Commercial, Industrial and Institutional properties that are not served by a water supplier (or are self-supplied, such as by a groundwater well) also must either reduce water use by 25 percent or restrict outdoor irrigation to no more than two days per week. No reporting is required but these properties must maintain documentation of their water use and practices.
- The new prohibitions in the Executive Order apply to all Californians and will take effect immediately upon approval of the regulation by the Office of Administrative Law. These include:
  - Irrigation with potable water of ornamental turf on public street medians; and
  - Irrigation with potable water outside of newly constructed homes and buildings not in accordance with emergency regulations or other requirements established by the Building Standards Commission and the Department of Housing and Community Development.
- These are in addition to the existing restrictions that prohibit:
  - Using potable water to wash sidewalks and driveways;
  - Allowing runoff when irrigating with potable water;
  - Using hoses with no automatic shutoff nozzles to wash cars;
  - Using potable water in decorative water features that do not recirculate the water;
  - Irrigating outdoors during and within 48 hours following measureable rainfall; and
  - Restaurants serving water to their customers unless the customer requests it.
- Additionally, hotels and motels must offer their guests the option to not have their linens and towels laundered daily and prominently display this option in each guest room.





## Media Release

### **Enforcement**

In addition to other powers, local agencies can fine property owners up to \$500 a day for failure to implement the water use prohibitions and restrictions. The State Water Board can issue informational orders, conservation orders or cease and desist orders to water suppliers for failure to meet their conservation standard. Water agencies that violate cease and desist orders are subject to a civil liability of up to \$10,000 a day.

### **Next Steps**

Following Board adoption, the regulation will be submitted to the Office of Administrative Law, which has 10 days to approve or deny the regulation. If approved by the Office of Administrative Law, the regulation will take effect immediately and remain in effect for 270 days from that date.

For more information, please visit the [Emergency Water Conservation](#) website.

To learn more about the state's drought response, visit [Drought.CA.Gov](#).

Every Californian should take steps to conserve water. Find out how at [SaveOurWater.com](#).



## **DISCUSSION AGENDA ITEM 5**

<b>SUPPORTING DOCUMENTATION FOLLOWS WITH:</b>	<b><u>PAGES</u></b>
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5. Discussion/Decision Regarding Purchase of Used Vehicle for Public Works.

AGENDA ITEM

Date: May 13<sup>th</sup> 2015

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**Item:** Consider approving acquisition of used vehicle for Public Works, and declaring current vehicle as surplus property.

**Summary:** Staff are recommending the City take advantage of a current opportunity to purchase a used truck from the County Public Works Department. We would be replacing a 1995 Ford F150 with 132,000 miles on it for a 2008 F350 with 96,000 miles.

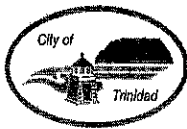
The price is \$9,700. County Public Works replaces their vehicles at ~100,000 miles -- they normally trade them in with the dealer, but this truck is out of the normal cycle so they are willing to sell it to us for below retail prices.

In addition to upgrading from a 20 year old truck to a 7 year old truck, we recently purchased a vactor trailer that needs a larger truck to pull it.

Staff proposes this purchase be funded from the Public Works Department budget, in the current year, utilizing funding that was budgeted as matching funds for a grant we sought for Van Wycke Trail improvements. The project did not move forward as we did not get the grant. Based on current expenditures, staff anticipates that we will be enough under budget at year's end to be able to carry the full match forward if we reapply for the

**Staff recommendation:**

Approve acquisition of used vehicle for Public Works for \$9,700, declare current vehicle as surplus property to allow resale, and approve budget shift from the Van Wycke Trail Project for the purchase.



## **DISCUSSION AGENDA ITEM 6**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:    0 PAGES**

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6.    Update and Discussion Regarding Potential Amendments to the Vacation Dwelling Unit Ordinance 2014-01.